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THE STATE OF OHIO.

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GENERAL AND ...  
LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTY-FIRST GENERAL ASSEMBLY,

AT ITS REGULAR SESSION,

Began and Held in the City of Columbus, January 1st, 1894.

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VOLUME XCI.

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# GENERAL LAWS.

[House Bill No. 59.]

## AN ACT

To amend section 2864 of the Revised Statutes of Ohio as amended February 9th, 1893.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 2864 of the Revised Statutes as amended February 9th, 1893, be so amended as to read as follows:

Delinquent  
lands:

**Sec. 2864.** Each county auditor shall cause the list of delinquent land in his county to be published weekly for two weeks between the 20th day of December and the 3d Tuesday in January next ensuing, except in counties containing a city of the first or second grade of the first class, in which such list shall be published between the twentieth day of December and the first Monday in February, in one newspaper in the English language, and no more, printed and of general circulation in his county, and also in one newspaper of the German language, if there shall be printed and published a newspaper in the German language, and of general circulation therein, and if no paper be printed therein, then in some paper in the English language, having general circulation in his county, to which list there shall be attached a notice that said delinquent lands will be sold by the county treasurer, as provided in section 2870, which said notice shall be in substance as follows, that is to say:

Publication of  
list of delin-  
quent lands.

Cuyahoga and  
Hamilton coun-  
ties.

### DELINQUENT TAX SALE.

The lands, lots and parts of lots returned delinquent by the treasurer of \_\_\_\_\_ county, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz.: (here insert the list with the name or names of the owner or owners of the said respective tracts of land, or town lots, as the same are designated on the duplicate), and notice is hereby given that the whole of said several tracts, lots or parts of lots, or so much thereof as may be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer at the court-house in said county on the third Tuesday of January, \_\_\_\_\_, unless

Notice of sale.

said taxes and penalty be paid before that time, and that the sale will be continued, from day to day, until the several tracts, lots and parts of lots, shall have been sold or offered for sale.

Repeals, etc.

SECTION 2. That said original section 2864, as amended February 9th, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 10, 1894.

1G

[House Bill No. 1.]

## AN ACT

To make appropriation for expenses of the general assembly.

Appropriation  
for expenses  
general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), for salaries and mileage of members, per diem of clerks, sergeants-at-arms, and other officers and employes of the general assembly, five hundred dollars (\$500) for contingent expenses of the house, and five hundred dollars (\$500) for contingent expenses of the senate.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 10, 1894.

2G

[House Bill No. 80.]

## AN ACT

To pay balance salary due Hon. Thomas E. Hunter, member 70th general assembly.

Appropriation  
for Thomas E.  
Hunter.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any money in the state treasury not otherwise appropriated the sum of three hundred (\$300) dollars for the purpose of paying Thomas E. Hunter balance due him as salary for the year 1893 as member of the 70th general

assembly; and the auditor of state is hereby directed to draw his warrant on the treasurer of state in favor of said Thomas E. Hunter for said amount.

SECTION 2. This act shall take effect on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 18, 1894.

3G

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[House Bill No. 34.]

### AN ACT

To amend section 1305 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1305 of the Revised Statutes be amended so as to read as follows: Fees and costs:

Sec. 1305. When a physician or surgeon makes a post-mortem examination, at the instance of the coroner or other officer, he shall be allowed such compensation for his services as the county commissioners of the proper county may direct. Compensation of physician or surgeon in post-mortem.

SECTION 2. That said original section 1305 be and the same is hereby repealed. Repeals.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 18, 1894.

4G

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[House Bill No. 86.]

### AN ACT

Making appropriations for the Ohio penitentiary and the board of state charities for the purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, for uses and purposes hereinafter specified: Appropriations for Ohio penitentiary and board of state charities.

#### *Ohio Penitentiary.*

Salaries of officers, one thousand (\$1,000) dollars;  
current expenses, twenty-five thousand, seven hundred and

seventy-one and six-hundredths (\$25,771.06) dollars; improvement of lights, six hundred (\$600) dollars; rewards to discharged convicts, forty-two and twenty-five-hundredths (\$42.25) dollars; manufacture of gas, three hundred and fourteen and seventy-seven-hundredths (\$314.77) dollars.

*Board of State Charities.*

Expenses, eight hundred (\$800) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 22, 1894.

5G

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[House Bill No. 118.]

AN ACT

To amend section 67 of the Revised Statutes of Ohio, as amended February 2, 1893 (90, O. L., 22).

Legislative:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 67 of the Revised Statutes of Ohio, as amended February 2, 1893, be amended so as to read as follows:

Printing, binding and distribution of the laws and joint resolutions.

Sec. 67. There shall be printed thirty thousand copies of the laws and joint resolutions; and all the laws, general and local, and joint resolutions, shall be printed in one volume. Three thousand copies shall be printed in forms of sixteen pages, as soon as practicable after enactment, ten copies of which shall be delivered promptly to each member of the general assembly, and the balance sent by the secretary of state, pro rata, according to population, to the auditors of the several counties. The remainder (twenty-seven thousand) shall be bound in half-law binding and distributed as provided by law.

Repeals, etc.

SECTION 2. Section 67, as heretofore amended, is repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 25, 1894.

6G

[Senate Bill No. 60.]

## AN ACT

To amend and reenact sections 2506, 2507, 2508, 2509 and 2510 of the Revised Statutes and to repeal acts inconsistent therewith.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 2506, 2507, 2508, 2509 and 2510 of the Revised Statutes of Ohio, be amended and reenacted with sectional numbering so as to read as follows:

**Sec. 2506.** The improvement, care and control of all parks and public fountains in cities of the first grade of the first class, shall be vested in the board of administration of such cities.

Parks and public grounds:

Control of parks and public fountains in Cincinnati.

**Sec. 2507.** The board shall have power to make contracts for the improvement of the grounds, the erection of the necessary structures thereon, and to adopt rules for the protection, care and government of the parks and public fountains under its charge, and such rules, when approved by the board of legislation, shall have the same effect and may be enforced by the same penalties as ordinances of the city.

Contracts and rules.

**Sec. 2508.** The board shall have no power in any way to incur any liability for park purposes beyond the amount of the funds which may have been levied therefor or appropriated to their order by the board of legislation for such purposes; and all purchases or leases of land for park purposes shall be made by the board of legislation only upon the recommendation of the board.

Liabilities.

Purchases or leases of land.

**Sec. 2509.** All moneys derived from levies for park purposes, revenues arising from the public park property, together with all fines, penalties and damages for the violations of any of the rules, regulations and ordinances, established by said board with reference to said parks, and all moneys from the general fund appropriated by the board of legislation for such purposes, shall be placed in a special fund called the park fund, and shall be disbursed by the treasurer of such city, upon a warrant by the auditor, which shall be drawn in accordance with the order of the board.

Park fund.

**Sec. 2510.** The board shall annually make a full report to the board of legislation of their proceedings in respect to parks, with a detailed account of the receipts and expenditures on such account, at such time as the board of legislation may direct; and they shall also make out and forward to the board of legislation and board of review, at any time that may be required, an estimate of the amount of money necessary to carry on the maintenance and improvements of such parks and forward the same to the city auditor, board of legislation and board of review for their information in making the annual levy.

Annual report

Estimates.

**SECTION 2.** That the act passed April 15, 1892, entitled "An act to provide a board of park commissioners and to provide for the acquisition of grounds to extend parks,

Repeals.



construct park entrances, improve park driveways, and defining the powers and duties of said board, and to repeal an act entitled 'an act to provide for a board of park trustees in cities of the first grade of the first class,' passed February 18, 1891 (O. L., 88, page 39)," and original sections 2506, 2507, 2508, 2509 and 2510 and any and all other acts and all sections or portions of the Revised Statutes of Ohio, in so far as the same are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 30, 1894.

7G

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[House Bill No 43.]

## AN ACT

To amend section 6709 of the Revised Statutes.

Jurisdiction  
in error:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6709 of the Revised Statutes, as amended April 18, 1893, shall be amended to read as follows:

Jurisdiction in  
error of the cir-  
cuit court.

Sec. 6709. A judgment rendered or final order made by any court of common pleas, or by the superior court of Cincinnati, may be reversed, vacated or modified by the circuit court having jurisdiction in the county wherein such court of common pleas or said superior court is located, for errors appearing upon the records; all errors assigned in the petition in error shall be passed upon by the court, and in every case where a judgment or order is reversed and remanded for a new trial or hearing, the circuit court shall, in its mandate to the court below, state the error or errors found in the record upon which the judgment of reversal is founded.

Errors to be  
passed upon;  
contents of  
mandate.

Validity of  
certain pro-  
ceedings.

SECTION 2. All proceedings in error from any court of common pleas to the circuit court begun and had on or after the first day of November, 1893, in accordance with the law in force theretofore, shall be deemed and held to be as valid and of the same effect as if said act of April 18 1893, had not been passed.

**SECTION 3.** Said section 6709, as amended April 18, 1893, is hereby repealed, and this act shall take effect on and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 30, 1894.

8G

[House Bill No. 81.]

### AN ACT

To amend section 6022 of the Revised Statutes of Ohio, as amended February 3, 1893 (vol. 90, O. L., page 23).

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 6022 of the Revised Statutes of Ohio, as amended February 3, 1893, be amended so as to read as follows:

Procedure in probate court:

**Sec. 6022.** The marriage of a woman shall not disqualify her to act as executrix or administratrix, whether such marriage occur before or after her appointment and qualification, and all of her acts in such capacity shall have the same validity as though she were unmarried.

Marriage no disqualification for executrix or administratrix.

**SECTION 2.** That said section 6022, as amended February 3, 1893, is hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 30, 1894.

9G

[Senate Bill No. 46.]

### AN ACT

To provide for a deficiency caused by the publication of constitutional amendments.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of forty-three thousand one hundred and fifty-five dollars and sixty-eight cents (\$43,155.68), to pay for the publication of the constitutional amendments, provided for by the act

Appropriation for publication constitutional amendments.

passed April 25, 1893 (O. L., pp. 283, 284). The same shall be paid in accordance with section 4 of said act, upon the warrant of the auditor of state, and upon vouchers approved by the supervisor of public printing.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 1, 1894.

10G

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[House Bill No. 85.]

## AN ACT

To amend section 6454, Revised Statutes of Ohio.

Criminal: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6454 be amended so as to read as follows:

Concurrent  
jurisdiction of  
probate court.

Sec. 6454. The probate court shall have concurrent jurisdiction with the court of common pleas in all misdemeanors and all proceedings to prevent crime in the following counties: Lake, Lucas, Montgomery, Erie, Richland, Scioto, Holmes, Meigs, Henry, Belmont, Stark, Ottawa, Williams, Allen, Wood, Sandusky, Darke, Wyandot, Coshocton, Defiance, Portage, Clermont, Carroll, Gallia, Hocking, Brown, Lorain, Columbiana, Madison, Clinton, Shelby, Geauga, Mahoning, Jefferson, Monroe, Hancock, Adams, Highland, Licking, Knox, Miami, Fayette, Perry, Tuscarawas, Guernsey, Paulding, Greene, Lawrence, Crawford, Ashland, Washington, Athens, Pike, Summit, Hardin, Delaware, Morgan, Trumbull, Logan, Morrow, Muskingum, Marion, Warren, Pickaway, Seneca, Ross, Huron, Jackson, Van Wert, Union, Harrison, Noble, Preble and Wayne.

Repeals.

SECTION 2. The said original section 6454, Revised Statutes of Ohio, and as heretofore amended, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

11G

[House Bill No. 158.]

## AN ACT

To amend section 1511 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1511 of the Revised Statutes be amended so as to read as follows:

Officers of civil township:-

Sec. 1511. The books, accounts and vouchers of the treasurer and all moneys remaining in the treasury shall at all times be subject to the inspection of the trustees, and they shall on the first Monday of March of each year, and at the expiration of the term of office of each treasurer, and at such other times as they may deem necessary, make a thorough examination of his books, accounts, vouchers and of the moneys in the treasury, or cause the same to be done by some competent person whom they shall appoint. And at said March meeting, and at the expiration of the term of office of each treasurer, if the president and clerk of the board of education of the township school district fail to attend as provided by section 1458 of the Revised Statutes, as amended March 17, 1893 (Ohio laws, vol. 90, page 98), on or before the hour of one o'clock in the afternoon, then the trustees shall proceed to count the money and examine all the books and vouchers of the treasurer including the school funds of said township district; and they shall cause to be entered on their record, a statement setting forth the exact amount in each fund so found in the hands of such treasurer, which record shall be signed by the trustees, and shall be prima facie evidence that the amount therein stated was actually in the treasury at that date.

Examinations of township treasury.

SECTION 2. That original section 1511 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 6, 1894.

12G

[House Bill No. 178.]

## AN ACT

To amend section 4812 of the Revised Statutes of Ohio, as amended April 17, 1886 (O. L., vol. 83, p. 85).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-eight hundred and twelve (4812) of the Revised Statutes of Ohio be amended so as to read as follows:

One-mile assessment pikes

Provisions  
applicable to  
free turnpikes ;  
tax for their  
completion, etc.

Sec. 4812. The provisions of this chapter shall extend and be applicable to all free turnpike roads heretofore built, now in process of construction, or hereafter to be constructed; and at any time when the county commissioners shall deem it necessary for the purpose of providing the means for completing the same and liquidating any indebtedness incurred on account of such road, they may continue the tax originally levied for constructing the same, for a period not exceeding in the aggregate fifteen years, in addition to the levy made on petition, as provided in section 4777.

Repeals.

SECTION 2. That section 4812, as amended April 17, 1886, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.  
18G

[House Bill No. 160.]

## AN ACT

To amend section 2824 of the Revised Statutes of Ohio, as amended April 24, 1892 (O. L. 89, p. 272).

Levying taxes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2824 of the Revised Statutes as amended April 24, 1892 (O. L. 89, p. 272), be and the same is hereby amended so as to read as follows:

Levy of taxes  
for county road  
and bridge  
purposes.

Sec. 2824. The commissioners, at their March or June sessions, annually, may levy on each dollar of valuation of taxable property within their county, for road and bridge purposes, as follows: In a county where the valuation of taxable property exceeds eighty millions and does not exceed one hundred and twenty millions dollars, five-tenths of a mill; where the amount exceeds fifty millions and does not exceed eighty millions dollars, seven-tenths of a mill; where the amount exceeds twenty millions and does not exceed fifty millions dollars, one mill and one-tenth; where the amount exceeds ten millions and does not exceed twenty millions dollars, one mill and five-tenths; where the amount exceeds five millions and does not exceed ten millions dollars, three mills; and where the amount is less than five millions dollars, five mills and five-tenths; and of the tax so levied, the commissioners shall set apart such portion as they may deem proper, to be applied to the building and repair of bridges, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate in a separate column, and shall be collected in money, and expended, except as may be otherwise provided by law, under

Bridge fund.

the direction of the commissioners in building bridges and culverts, or in repairing the same; provided, that in any county containing a city of the first grade of the first class, where the valuation of taxable property exceeds two hundred millions of dollars the commissioners of said county may levy on each dollar of valuation of taxable property within said county, for bridge purposes exclusively, not to exceed one-half of a mill, which shall be collected in money and placed by the auditor to the credit of the bridge fund of the county, and the same shall be expended by the commissioners in building bridges and culverts, and in repairing and making fills and approaches to the same in the townships outside of the corporate limits of said city, and for no other purpose whatever; except that a portion of said fund collected in the said county, amounting to not less than a levy of one-sixth of a mill on each dollar of valuation of taxable property within said county, in all cases where the board of legislation of said city of the first grade of the first class shall demand it, shall be paid into the city treasury of said city and shall be expended by the board of administration of said city, for the purpose of building and repairing bridges within the corporate limits of the same; provided further, that in case an important bridge belonging to or maintained by any county has been or shall be destroyed or become dangerous to public travel by decay or otherwise, and the restoration thereof is deemed necessary for public accommodation, the commissioners may levy a special tax for that purpose, not exceeding one mill and five-tenths, the proceeds of which shall be applied solely to such restoration; and the commissioners may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so specially levied or to be levied, at any rate of interest not exceeding six per centum, and issue notes or bonds therefor, payable upon the collection of such special tax; provided further, that in all cities of the second grade of the first class and all cities of the second class, one-half the proportion of said bridge fund collected upon the property within said cities, in all cases where the city council shall demand it, shall be paid into the city treasury, and shall be expended by such city for the purpose of building and repairing bridges; and provided further, that in cities having at the last federal census or at any subsequent federal census a population of 8,273, the whole of the proportion of said bridge fund collected upon the property within said city shall, upon demand of the council of said city therefor be paid into the treasury of said city, and shall be expended by said city for the purpose of building and maintaining bridges therein; provided further, that the commissioners of Montgomery county shall levy not exceeding one mill and six-tenths for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Dayton, and the proceeds of such levy shall be applied exclusively to roads and bridges outside of said city;

Ham ilton  
county.

Cincinnati.

Special tax to  
restore im-  
portant bridge

Anticipation  
thereof.

Cleveland and  
cities second  
class.

Marietta.

Montgomery  
county.



Dayton.

and the council of said city may annually levy on the taxable property within the same, for bridge purposes, a tax of one mill and one-tenth in addition to the total aggregate of taxation now authorized by said council, to be expended for building and repairing bridges within said city.

Repeals, etc.

SECTION 2. That said original section 2824 as amended April 24, 1892, be and the same is hereby repealed, and this act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 6, 1894.

14G

[Senate Bill No. 15.]

## AN ACT

To amend sections 1546 and 1548 of the Revised Statutes of Ohio, as amended February 10th, 1892.

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1546 and 1548 of the Revised Statutes, as amended February 10th, 1892, be amended so as to read as follows:

Classification, general.

Sec. 1546. Municipal corporations are divided into cities, villages and hamlets; cities are divided into two classes, first and second; cities of the first class are divided into three grades, first, second, and third; cities of the second class are divided into six grades, first, second, third, third *a*, third *b*, and fourth; cities of the second class which hereafter become cities of the first class, shall constitute the fourth grade of the latter class; the villages which hereafter become cities shall belong to the fourth grade of the second class.

Cities of the second class:

Sec. 1548. Existing corporations, organized as cities of the second class, shall remain such until they become cities of the first class, and their grades and the grades of those which may be, or may become cities of the second class, shall be determined as follows: Those which, on the

First grade.

first day of July last, had, and those which on the first day of July in any year have, when ascertained in the way mentioned in section 1547 of the Revised Statutes, more than 30,500 and less than 31,500 inhabitants, shall constitute the

Second grade.

first grade; those which on the first day of July last had, and those which on the first day of July in any year have, when ascertained in the same way, more than 20,000 and less than 30,500 inhabitants, shall constitute the second

Third grade

grade; those which on the first day of July last had, and those which on the first day of July in any year have, when ascertained in the same way, more than 10,000 and less than

Third grade *a*.

20,000 inhabitants, shall constitute the third grade; those

which on the first day of July, 1890, had more than 28,000 and less than 33,000 inhabitants shall, on and after the passage of this act, constitute and be, and those which on the first day of July in any year have, when ascertained in the same way, more than 28,000 and less than 33,000 inhabitants, shall constitute and be the third grade *a*; those which on the first day of July, 1890, had more than 16,000 and less than 18,000 inhabitants shall, on and after the passage of this act, constitute and be, and those which on the first day of July in any year have, when ascertained in the same way, more than 16,000 and less than 18,000 inhabitants, shall constitute and be the third grade *b*; and those which on the first day of July last had, and those which hereafter, on the first day of July in any year, have less than 10,000 and more than 5,000 inhabitants, shall constitute the fourth grade.

Third grade *b*.

Fourth grade.

SECTION 2. The said original sections 1546 and 1548 as amended February 10th, 1892, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed February 6, 1894.

15G

[House Bill No. 41.]

## AN ACT

To amend section 7177 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7177 of the Revised Statutes of Ohio be amended so as to read as follows:

Arrest, examination, bail, etc.:

Sec. 7177. When a person who is surety in a recognizance for the appearance of a defendant before any court, desires to surrender the defendant, he shall, by delivering the defendant in open court, be discharged from any further responsibility on said recognizance; or the prosecuting attorney shall, upon the written request of any such surety, cause a warrant to issue to the sheriff of any county, directing him to arrest the defendant; and the defendant shall be committed by the court to the jail of the county, unless he give a new recognizance, with good and sufficient surety, in such amount as the court may determine, conditioned as the original recognizance.

Surrender of defendant by surety in recognizance.

SECTION 2. That said original section 7177 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 7, 1894.

16G

[House Bill No. 65.]

## AN ACT

To amend section 6338 of the Revised Statutes, as amended April 23, 1891 (O. L., vol. 88, p. 351).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6338, as amended April 23, 1891 (O. L., vol. 88, p. 351), be amended so as to read as follows:

Insolvent debtors:

Election of trustee or trustees by creditors.

Sec. 6338. Whenever any creditor or creditors of the assignor shall file a complaint alleging that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections, are not suitable persons to administer the trust, or that their administration thereof will not be for the best interests of the creditors of the assignor and such assignor, the court shall thereupon issue a citation to such assignee or assignees or trustee or trustees and to the assignor if resident within the state to appear before such court at a time to be named therein. And, if on the hearing of such complaint, it be made to appear to the satisfaction of the court that such complaint is true, and a petition is filed with the court, signed by creditors of the assignor, who own not less than one thousand dollars of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court, or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying a time when the creditors shall meet at the court room for the election of a trustee or trustees; and at the time named in such order, if creditors representing fifty per cent. or more of the debts of the assignor are present or represented by attorney, they may proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to a choice; and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of the debts held by them respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with

the court; and if the court approves the choice, and if the trustee or trustees so elected appear within ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee; provided, that the summary determination of the court as to who are creditors and the amount of their claims in this section provided, shall have no effect as to the validity of such claims, except for the purpose of such election.

SECTION 2. That said section 6338 be and the same <sup>Repealed.</sup> is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 7, 1894.

17G

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[House Bill No. 141.]

## AN ACT

To amend sections 2 and 3 of an act entitled "An act to protect all citizens in their civil and legal rights," passed February 7, 1884, and amended March 27, 1884.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2 and 3 of an act entitled "An act to protect all citizens in their civil and legal rights," passed February 7, 1884, and amended March 27, 1884, be amended so as to read as follows: Civil rights

Sec. 2. That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial shall, for every such offense, forfeit and pay a sum not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed; and shall also, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars, or shall be imprisoned not less than thirty (30) days nor more than ninety (90) days, or both; and provided further, that a judgment in favor of the party aggrieved, or punishment upon an indictment, shall be a bar to either prosecution respectively. Penalty.

Race or color  
shall not dis-  
qualify to act  
as juror; pen-  
alty.

Sec. 3. That no citizen of the state of Ohio, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said state on account of race or color, and any officer or other person charged with any duty in the selection or summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars, or imprisoned not less than thirty (30) days nor more than [ninety] (90) days, or both.

Repeals.

SECTION 2. That sections 2 and 3 of an act entitled "An act to protect all citizens in their civil and legal rights," passed February 7, 1884, and amended March 27, 1884, be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed February 7, 1894.

18G

[Senate Bill No. 28.]

## AN ACT

To amend section 4786 of the Revised Statutes.

One-mile assess-  
ment pikes:

Upon what  
property taxes  
to be assessed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4786 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4786. Extra taxes, when levied as hereinbefore provided, shall be on real and personal property within one mile on each side of the free turnpike road, except when any free turnpike road in process of construction crosses a free turnpike road, either completed or in process of construction, under and by virtue of any of the road improvement or free turnpike laws, in which case such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other shall be assessed and taxed in proportion to the benefits that may be derived by the owners of the land and personal property from the construction and use of such free turnpike roads. When the free turnpike road, sought to be laid out under the provisions of this chapter, is on the line between two or more counties, then said extra taxes shall be on all the real and personal property within

one mile on each side of the free turnpike road, without exception.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

19G

[Senate Bill No. 33.]

## AN ACT

To amend section 860 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 860 of the Revised Statutes be amended so as to read as follows:

County commissioners:

Sec. 860. The commissioners shall construct and keep in repair all necessary bridges over streams and public canals on all state and county roads, free turnpikes, improved roads, abandoned turnpikes and plank roads in common public use, except only such bridges as are wholly in such cities and villages having by law the right to demand, and do demand and receive, part of the bridge fund levied upon property within the same; and when they do not demand and receive said portion of bridge tax the commissioners shall construct and keep in repair all bridges in such cities and villages. Provided, that in all cases, except counties containing a city of the first grade of the first class, the granting of the demand, made by any city or village for its portion of the bridge tax, shall be optional with the said board of commissioners.

Construction and repair of bridges.

Demand for portion of bridge tax; Hamilton county.

SECTION 2. That said original section 860 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in full force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

20G



Race or color shall not disqualify to act as juror; penalty.

Sec. 3. That no citizen of the state of Ohio, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said state on account of race or color, and any officer or other person charged with any duty in the selection or summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars, or imprisoned not less than thirty (30) days nor more than [ninety] (90) days, or both.

Repeals.

SECTION 2. That sections 2 and 3 of an act entitled "An act to protect all citizens in their civil and legal rights," passed February 7, 1884, and amended March 27, 1884, be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed February 7, 1894.

18G

[Senate Bill No. 28.]

## AN ACT

To amend section 4786 of the Revised Statutes,

One-mile assessment pikes:

Upon what property taxes to be assessed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4786 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4786. Extra taxes, when levied as hereinbefore provided, shall be on real and personal property within one mile on each side of the free turnpike road, except when any free turnpike road in process of construction crosses a free turnpike road, either completed or in process of construction, under and by virtue of any of the road improvement or free turnpike laws, in which case such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other shall be assessed and taxed in proportion to the benefits that may be derived by the owners of the land and personal property from the construction and use of such free turnpike roads. When the free turnpike road, sought to be laid out under the provisions of this chapter, is on the line between two or more counties, then said extra taxes shall be on all the real and personal property within

one mile on each side of the free turnpike road, without exception.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

19G

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[ Senate Bill No. 33. ]

### AN ACT

To amend section 860 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 860 of the Revised Statutes be amended so as to read as follows:

County commissioners:

Sec. 860. The commissioners shall construct and keep in repair all necessary bridges over streams and public canals on all state and county roads, free turnpikes, improved roads, abandoned turnpikes and plank roads in common public use, except only such bridges as are wholly in such cities and villages having by law the right to demand, and do demand and receive, part of the bridge fund levied upon property within the same; and when they do not demand and receive said portion of bridge tax the commissioners shall construct and keep in repair all bridges in such cities and villages. Provided, that in all cases, except counties containing a city of the first grade of the first class, the granting of the demand, made by any city or village for its portion of the bridge tax, shall be optional with the said board of commissioners.

Construction and repair of bridges.

Demand for portion of bridge tax; Hamilton county.

SECTION 2. That said original section 860 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in full force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

20G

[Senate Bill No. 88.]

## AN ACT

To amend section 3961 of the Revised Statutes of Ohio, as amended March 15, 1892 (89 O. L. 95).

**SCHOOL FUNDS:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3961 of the Revised Statutes as amended March 15, 1892 (89 O. L. 95), be amended so as to read as follows:

**CONTINGENT  
FUND FOR JOINT  
SUBDISTRICT.**

**CORRECTION OF  
ERRORS.**

Sec. 3961. For a joint subdistrict the estimate required by section 3958 shall be made by the board of education having control of the school thereof, and apportioned to the several townships having territory therein in proportion to the enumeration of youth in the territory belonging to each. The board shall certify such estimate, so apportioned, to the county auditor, who shall add the portion for each township to the estimate for a contingent fund certified to him by its board of education, and place it on the tax list therewith for collection as part of the township estimate; when the county auditor apportions the school funds he shall transfer to the township having control of the school, from the other townships, the amount so assessed and collected, and certify to the clerk and treasurer of each township the amount due the board in control of said school, including state tax, interest on the common school fund, contingent fund, and money received from other sources, which amount shall be paid to the treasurer of the board having control of the school; and such board shall cause to be kept such accounts as will show the funds received from each township, and the disposition thereof, and transmit to the other board or boards interested, at the end of the school year, a statement of such receipts and expenditures. When it has been brought to the attention of the county auditor that any township having territory in a joint subdistrict has not, by reason of errors, mistakes, omissions or otherwise, contributed its pro rata share of the expenses of establishing said district, building, repairing or furnishing school-house, and other necessary building or buildings, and maintaining the school or schools in the said joint subdistrict, the auditor of the county shall, after giving ten days' notice to the clerks of the boards of education of the townships having territory in the said joint subdistrict, proceed to correct any and all mistakes, errors or omissions which have, or may hereafter occur by reason of any error, mistake or omission of the township clerk or clerks, or county auditor, respecting the certification of the apportionment or distribution of the funds between the several townships having territory in the said joint subdistrict, the same as making distribution of the school funds for the current year, and in correcting any error, mistake or omission, the county auditor shall, annually thereafter, levy upon the tax duplicate of the township or townships so found indebted to other townships having territory in the said joint subdistrict, such an

additional rate per cent. of levy from year to year as will be sufficient to liquidate one-third of such indebtedness so ascertained by the county auditor, each year, until the amount so found due by said county auditor has been fully liquidated.

SECTION 2. That said section 3961 of the Revised Statutes as amended March 15, 1892, be and the same is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed February 8, 1894.

21G

[ House Bill No. 95.]

## AN ACT

To amend section 2269 of the Revised Statutes of Ohio as amended February 7th, 1889, and to supplement section 2264 of the Revised Statutes of Ohio, as amended April 16th, 1892, with sectional number 2264b.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2264 of the Revised Statutes of Ohio, as amended April 16, 1892, be and the same is hereby supplemented with sectional numbering 2264b, and that section 2269 of the Revised Statutes of Ohio, as amended February 7, 1889, be and the same is hereby amended so as to read as follows:

Assessments:

Sec. 2264b. In cities of the first grade of the first class, in making assessments as provided for in section 2264 of the Revised Statutes, said assessments may be made on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, or according to the value of the property assessed, or by the abutting foot of the property bounding and abutting the improvement, in the manner and subject to the restrictions provided in said section 2264.

Rules governing levy of special assessments in Cincinnati.

Sec. 2269. In making special assessments, according to valuation, the council shall be governed by the assessed value of the lots, if the land is subdivided and the lots are numbered and recorded; but if the lots are not assessed for taxation, or if there is land not subdivided into lots, the council shall fix the value of the lots or the value of the front of such land to the usual depth of lots by the average of two blocks, one of which shall be next adjoining on either side; and if there are no blocks so adjoining, the council shall fix the value of the lots or lands to be assessed so that it will be a fair average of the assessed value of other lots in the neighborhood; and if in making a special assessment

Rules governing levy of special assessments according to valuation.

Cincinnati.

by the foot front, or in cities of the first grade of the first class by the abutting foot, there is land bounding or abutting upon the improvement not subdivided into lots, the council shall fix the depth of such land so that it will be a fair average depth of lots in the neighborhood, which shall be subject to such assessment; and this section shall be applicable to special assessments provided for in this chapter, excepting assessments according to benefit.

Repeals, etc.

SECTION 2. That section 2269 of the Revised Statutes of Ohio, as amended February 7, 1889, is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed February 8, 1894.

22G

[House Bill No. 98.]

## AN ACT

To amend section 4889 of the Revised Statutes, as amended March 18, 1889.

Repair of improved roads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4889 of the Revised Statutes, as amended March 18, 1889, be amended so as to read as follows:

Townships in certain counties made road districts.

Sec. 4889. Each township in the counties of Belmont, Brown, Butler, Carroll, Champaign, Clinton, Columbiana, Cuyahoga, Darke, Delaware, Erie, Fayette, Franklin, Geauga, Greene, Hamilton, Harrison, Henry, Licking, Lucas, Madison, Montgomery, Muskingum, Ottawa, Portage, Preble, Ross, Shelby, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Warren and Wayne, in which any such free road is located, shall be a road district for the care and maintenance thereof.

Repeals, etc.

SECTION 2. Said section 4889, as amended March 18, 1889, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 12, 1894.

23G

[House Bill No. 99.]

## AN ACT

To amend section 2121 of the Revised Statutes of Ohio, as amended March 14, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2121 of the Revised Statutes of Ohio, as amended March 14, 1893, be amended so as to read as follows:

Board of health:

Sec. 2121. In each township the trustees of the township shall constitute a board of health, which shall be for the township outside the limits of any city or village, and such boards shall have the same duties and powers as are herein imposed upon or granted to boards of health in cities and villages. They shall annually elect one of their number president, and the township clerk shall be clerk of the board of health; they may appoint a health-officer and as many sanitary officers as they deem necessary to carry out the provisions of this act, and define their duties and fix their compensation; and such appointees shall serve during the pleasure of the board. Township boards of health shall meet annually and at such other times only as is actually necessary.

Township board of health; duties and powers.

President; clerk; health-officer; sanitary officers.

Meetings

Repeals.

SECTION 2. That said original section, as amended March 14, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 12, 1894.

24G

[House Bill No. 58.]

## AN ACT

To amend section 698 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 698 of the Revised Statutes be amended so as to read as follows:

Institutions for the insane:

Names of.

Sec. 698. The institutions for the care and treatment of the insane in Ohio shall be respectively designated as follows: That near Cleveland, as the Cleveland state hospital; that near Columbus, as the Columbus state hospital; that near Dayton, as the Dayton state hospital; that near Athens, as the Athens state hospital; that near Toledo, as the Toledo state hospital; that near Massillon, as the Massillon state hospital and the Longview asylum of Cincinnati as the Longview hospital; and they

Board of trustees.

shall each be under the charge of a separate board of trustees.

Effect of change of names.

SECTION 2. That said change shall in no way affect the rights of any of said institutions to any appropriation heretofore made, or to any claim now existing in its favor, nor to affect any contract or contracts heretofore made by or on behalf of either or any of said institutions, nor shall said change in any way affect those now in charge of such institutions.

Repeals.

SECTION 3. That said original section 698 and any other section in conflict with the provisions of this act be and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.

25G

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[Senate Bill No. 148.]

## AN ACT

Relative to making appropriations for the governor's inauguration.

Appropriation for inaugural expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of three hundred and eighty-six dollars and eighty-nine cents, for the expenses incurred in the inauguration of the governor-elect, on the eighth day of January, 1894, to be paid out upon vouchers approved by the chairman of the joint committee having in charge the inauguration ceremonies.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 14, 1894.

26G

[House Bill No. 278.]

## AN ACT

Authorizing infirmary directors and township trustees to require recipients of public relief, not in county or city infirmaries, who are able to do manual labor, to perform labor in public parks, highways, etc., to the value of the relief afforded.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever public relief is applied for or afforded to the poor by the infirmary directors of any county or the trustees of any township, and the relief applied for or received is not in any county or city infirmary, and the applicant or recipient of such relief is able to do manual labor, the infirmary directors or township trustees are authorized and may require any male applicant or recipient to perform labor to the value of the relief afforded, at any time, upon any free public park, public highway or other public property in such county or township, under the direction of the proper authorities having charge or control of the same.

Performance  
of labor by re-  
cipient of pub-  
lic relief.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 14, 1894.  
27G

[House Bill No. 374.]

## AN ACT

Making an appropriation to pay the funeral expenses of James A. McFadden.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the state treasury not otherwise appropriated, the sum of fifty dollars (\$50) to defray the funeral expenses of James A. McFadden, an old soldier and an employee of the department of the Ohio canal commis-  
sioners.

Appropriation  
to defray  
funeral expen-  
ses of James A.  
McFadden.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*\*President of the Senate.*

Passed February 15, 1894.  
28G



[House Bill No. 251.]

## AN ACT

Making partial appropriations for the last three quarters of the fiscal year ending November 15, 1894, and the first quarter of the fiscal year ending February 15, 1895.

Partial appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

*Adjutant-General's Department.*

Salary of adjutant-general, two thousand dollars (\$2,000).

Salary of assistant adjutant-general, fifteen hundred dollars (\$1,500).

Salary of chief clerk, five hundred dollars (\$500).

Salary of five clerks, two thousand dollars (\$2,000).

Salary of superintendent of state arsenal and book-keeper, five hundred dollars (\$500).

Contingent expenses and inspection, one thousand dollars (\$1,000).

*State-House and Grounds.*

Salary of superintendent of laborers, nine hundred dollars (\$900).

Salary of engineer, one thousand dollars (\$1,000).

Salary of two firemen, nine hundred dollars (\$900).

Salary of visitors' attendant, seven hundred and twenty dollars (\$720).

Salary of janitor of flag-room, seven hundred and twenty dollars (\$720).

Salary of day policeman, seven hundred and twenty dollars (\$720).

Salary of night policeman, eight hundred dollars (\$800).

Fuel for state-house, one thousand dollars (\$1,000).

Water rent, six hundred and sixty-six dollars and sixty-six cents (\$666.66).

Salary of four regular laborers, twelve hundred dollars (\$1,200).

Extra labor, five hundred dollars (\$500).

Electric lighting, five thousand dollars (\$5,000).

Material and repairs, five hundred dollars (\$500).

Care and repair heating apparatus, three hundred dollars (\$300).

*Ohio National Guard.*

Uniforms, overcoats and blankets, ten thousand dollars (\$10,000).

*Ohio State Board of Agriculture.*

Encouragement of agriculture, fifteen hundred dollars (\$1,500).

Contingent expenses, two hundred and fifty dollars (\$250).

Weather and crop service, five hundred dollars (\$500).

*Ohio Agricultural Experiment Station.*

Expenses of board of control, three hundred dollars (\$300). Partial appropriations.

*Attorney-General's Office.*

Salary of attorney-general, fifteen hundred dollars (\$1,500).

Salary of clerk, five hundred dollars (\$500).

Fees on collections, five hundred dollars (\$500).

Contingent, two hundred dollars (\$200).

*Auditor of State.*

Salary of auditor of state, three thousand dollars (\$3,000).

Salary of chief clerk, two thousand four hundred dollars (\$2,400).

Salary of bookkeeper, six hundred dollars (\$600).

Salary of railroad and bank clerk, six hundred dollars (\$600).

Salary of land clerk, six hundred dollars (\$600).

Salary of canal and trust fund clerk, five hundred dollars (\$500).

Salary of statistician, five hundred dollars (\$500).

Salary of stenographer, four hundred dollars (\$400).

Contingent expense, five hundred dollars (\$500).

*Board of State Charities.*

Expense, two thousand dollars (\$2,000).

*State Board of Health.*

Expenses of board, four thousand dollars (\$4,000).

*Board of Pardons.*

Salary of members, three thousand dollars (\$3,000).

Salary of secretary, three hundred dollars (\$300).

*Board of Public Works.*

Salary of members, twenty-four hundred dollars (\$2,400).

Salary of engineers, fifteen hundred dollars (\$1,500).

Contingent expenses, three hundred dollars (\$300).

Salary of secretary, three hundred dollars (\$300).

*State Board of Arbitration.*

Expenses of board, one thousand dollars (\$1,000).

*Ohio Fish and Game Commission.*

Expenses commission, propagation and transportation, one thousand dollars (\$1,000).

*Live Stock Commission.*

Expenses live stock commission, one thousand dollars (\$1,000).

*State School Commission.*

Salary of commissioner, two thousand dollars (\$2,000).

Traveling expenses of commissioner, two hundred dollars (\$200).

Salary of chief clerk, eight hundred dollars (\$800).

Partial appro-  
priations.

Salary of statistical clerk, four hundred dollars (\$400).  
Salary of stenographer, six hundred dollars (\$600).  
Contingent expenses, two hundred dollars (\$200).

*Printing Commission.*

Printing paper, ten thousand dollars (\$10,000).

*Commissioner of Railroads and Telegraphs.*

Salary of commissioner of railroads and telegraphs.  
two thousand dollars (\$2,000).

Salary of chief clerk, twelve hundred dollars (\$1,200).

Salary of secretary, one thousand dollars (\$1,000).

Salary of bridge inspector, twelve hundred dollars  
(\$1,200).

Expense outside, one hundred dollars (\$100).

Contingent, five hundred dollars (\$500).

Blanks for report, three hundred dollars (\$300).

*Bureau of Labor Statistics.*

Commissioner's salary, two thousand dollars (\$2,000).

Contingent expenses, one thousand dollars (\$1,000).

Chief clerk, five hundred dollars (\$500).

Clerk, three hundred dollars (\$300).

Traveling expenses, two hundred dollars (\$200).

*Dairy and Food Commission.*

Salary of commissioner, fifteen hundred dollars (\$1,500.)

Salary of assistant commissioners, two thousand dollars  
(\$2,000).

Expense of commissioner, two hundred dollars (\$200).

Expense of assistant commissioners, five hundred dol-  
lars (\$500).

*Executive Department.*

Salary of governor, eight thousand dollars (\$8,000).

Salary of lieutenant-governor, eight hundred dollars  
(\$800).

Salary of private secretary, eight hundred dollars  
(\$800).

Salary of executive clerk, seven hundred dollars (\$700).

Salary of assistant executive clerk, six hundred dollars  
(\$600).

Salary of stenographer, six hundred dollars (\$600).

Contingent expenses, five hundred dollars (\$500).

*Chief Inspector of Mines.*

Salary of chief inspector of mines, two thousand dol-  
lars (\$2,000).

Salaries of district inspectors of mines, eighty-four  
hundred dollars (\$8,400).

Clerk hire, one hundred dollars (\$100).

*Department of Workshops and Factories.*

Salary of chief inspector, two thousand dollars (\$2,000).

Salaries of district inspectors, six thousand dollars  
(\$6,000).

Salary of chief clerk, five hundred dollars (\$500).

Clerk hire, nine hundred dollars (\$900).

*Judiciary.*

Salaries of judges, three hundred and ten thousand dollars (\$310,000). Partial appropriations.

*Law Library.*

Salary of law librarian, fifteen hundred dollars (\$1,500).  
Salary of assistant law librarian, five hundred dollars (\$500).

Contingent fund, one hundred dollars (\$100).  
Books and catalogues, five hundred dollars (\$500).

*Legislature.*

Contingent expense of senate, two thousand dollars (\$2,000).

Contingent expense of house, two thousand dollars (\$2,000).

Expense of legislative committees, five hundred dollars (\$500).

*Prosecution and Transportation to Ohio Penitentiary.*

Prosecution and transportation of convicts, twenty-five thousand dollars (\$25,000).

*Prosecuting Ohio War Claims against General Government.*

Salary of agent, fifteen hundred dollars (\$1,500).

Expense of agent, six hundred dollars (\$600).

*Secretary of State.*

Salary of secretary of state, two thousand dollars (\$2,000).

Salary of state supervisor of elections, one thousand dollars (\$1,000).

Salary of chief clerk, two thousand dollars (\$2,000).

Salary of statistical clerk, six hundred dollars (\$600).

Salary of assistant statistical clerk, four hundred dollars (\$400).

Salary of stationery clerk, four hundred dollars (\$400).

Salary of proof-reading clerk, four hundred dollars (\$400).

Salary of corporation clerk, four hundred dollars (\$400).

Salary of recording clerk, four hundred dollars (\$400).

Salary of superintendent book-room, three hundred dollars (\$300).

Salary of stenographer, four hundred dollars (\$400).

Extra clerk hire, five hundred dollars (\$500).

Contingent expenses, five hundred dollars (\$500).

Distribution of books, four hundred dollars (\$400).

Stationery, two thousand dollars (\$2,000).

*Ohio State Library.*

Salary of librarian, fifteen hundred dollars (\$1,500).

Salary of assistant librarian, twelve hundred dollars (\$1,200).

Salary of janitor, seven hundred and twenty dollars (\$720).

Contingent expenses and extra labor, two hundred dollars (\$200).

Books and papers, four hundred dollars (\$400).

Partial appro-  
priations.

*Insurance Department.*

Salary of superintendent, two thousand dollars (\$2,000).  
Salary of chief clerk, eight hundred dollars (\$800).  
Salary of examining clerk, six hundred dollars (\$600).  
Salary of bookkeeper, six hundred dollars (\$600).  
Salary of corresponding clerk, five hundred dollars (\$500).  
Salary of mailing clerk, three hundred dollars (\$300).  
Salary of actuary, two hundred and fifty dollars (\$250).  
Attorneys' fees for cases now pending, two hundred dollars (\$200).  
Contingent expenses, eight hundred dollars (\$800).  
Extra clerk hire, one thousand dollars (\$1,000).

*Bureau of Building and Loan Associations.*

Salary of inspector, one thousand dollars (\$1,000).  
Extra clerk hire, two hundred dollars (\$200).  
Salary of deputy inspector, eight hundred dollars (\$800).  
Contingent expenses, one hundred dollars (\$100).

*Supervisor of Public Printing.*

State printing, five thousand dollars (\$5,000).  
State binding, six thousand dollars (\$6,000).  
Contingent fund, fifty dollars (\$50).  
Salary of supervisor, eighteen hundred dollars (\$1,800).

*Supreme Court.*

Janitor, eight hundred dollars (\$800).  
Contingent fund, one hundred dollars (\$100).

*Clerk of Supreme Court.*

Salary of clerk, fifteen hundred dollars (\$1,500).  
Salary of first deputy, eight hundred dollars (\$800).  
Extra clerk hire, three hundred dollars (\$300).  
Salary of second deputy, five hundred dollars (\$500).  
Contingent expenses, one hundred dollars (\$100).

*Supreme Court Reporter.*

Reporter's salary, fifteen hundred dollars (\$1,500).  
Contingent expenses, one hundred dollars (\$100).

*Treasurer of State's Department.*

Salary of treasurer of state, three thousand dollars (\$3,000).  
Salary of cashier, twenty-four hundred dollars (\$2,400).  
Salary of two bookkeepers, one thousand dollars (\$1,000).  
Salary of two night-watchmen, eight hundred dollars (\$800).  
Collecting auditor of state's drafts, five hundred dollars (\$500).  
Alarm telegraph and telephone, eighty-six dollars (\$86).

*Ohio Penitentiary.*

Per diem of managers, five thousand dollars (\$5,000).  
Salaries of officers, six thousand dollars (\$6,000).

Salaries of guards, twenty thousand dollars (\$20,000). Partial appropriations.

Current expenses, fifty thousand dollars (\$50,000).

Manufacture of gas, four thousand dollars (\$4,000).

Rewards to discharged convicts, five thousand dollars (\$5,000).

Ordinary repairs, two thousand dollars (\$2,000).

*Athens State Hospital.*

Current expenses, twenty-five thousand dollars (\$25,000).

Salaries of officers, fifty-one hundred dollars (\$5,100).

Expenses of trustees, six hundred dollars (\$600).

Ordinary repairs, five thousand dollars (\$5,000).

*Cleveland State Hospital.*

Current expense, twenty-five thousand dollars (\$25,000).

Salaries of officers, fifty-one hundred dollars (\$5,100).

Expenses of trustees, six hundred dollars (\$600).

Ordinary repairs, including laundry machinery, five thousand dollars (\$5,000).

*Columbus State Hospital.*

Current expense, thirty thousand dollars (\$30,000).

Officers' salaries, fifty-eight hundred dollars (\$5,800).

Expenses of trustees, six hundred dollars (\$600).

Ordinary repairs, five thousand dollars (\$5,000).

*Dayton State Hospital.*

Current expense, twenty-five thousand dollars (\$25,000).

Officers' salaries, fifty-one hundred dollars (\$5,100).

Expenses of trustees, six hundred dollars (\$600).

Ordinary repairs, three thousand dollars (\$3,000).

*Massillon State Hospital.*

For construction, thirty thousand dollars (\$30,000).

*Toledo State Hospital.*

Current expenses, thirty thousand dollars (\$30,000).

Salaries of officers, fifty-eight hundred dollars (\$5,800).

Expenses of trustees, six hundred dollars (\$600).

Ordinary repairs, five thousand dollars (\$5,000).

*Longview Hospital.*

General appropriation, twenty-five thousand dollars (\$25,000).

This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasury in favor of the treasury of Hamilton county for such amount.

*Boys' Industrial School.*

Salary fund and trustees' expenses, seven thousand dollars (\$7,000).

Current expenses, ten thousand dollars (\$10,000).

Repairs, three thousand dollars (\$3,000).

Partial appro-  
priations.

*Girls' Industrial Home.*

Current expenses, five thousand dollars (\$5,000).

Salaries and trustees' expenses, five thousand dollars (\$5,000).

Ordinary repairs and improvements, fifteen hundred dollars (\$1,500).

*Institution for the Blind.*

Current expense, ten thousand dollars (\$10,000).

Salaries of officers and teachers, and trustees' expenses, five thousand dollars (\$5,000).

Ordinary repairs, one thousand dollars (\$1,000).

*Deaf and Dumb Institution.*

Current expenses, ten thousand dollars (\$10,000).

Salaries of officers and teachers, and expenses of trustees, five thousand dollars (\$5,000).

Ordinary repairs, fifteen hundred dollars (\$1,500).

Foreman and supplies industrial pursuits, one thousand dollars (\$1,000).

Lumber and nails for boxes, four hundred dollars (\$400).

*Ohio Institution for Feeble-Minded Youth.*

Current expenses, twenty-five thousand dollars (\$25,000).

Salaries and expenses of trustees, four thousand dollars (\$4,000).

Repairs, fifteen hundred dollars (\$1,500).

*Ohio Soldiers' and Sailors' Home.*

Current expense and clothing, twenty thousand dollars (\$20,000).

Officers' salaries and trustees' expenses, two thousand dollars (\$2,000).

*Ohio Soldiers' and Sailors' Orphans' Home.*

Current expense, twenty-five thousand dollars (\$25,000).

Salaries of officers, ten thousand dollars (\$10,000).

Ordinary repairs and improvements, one thousand dollars (\$1,000).

Salaries of foremen and instructors, two thousand dollars (\$2,000).

Net earnings, four hundred dollars (\$400).

*Ohio Hospital for Epileptics.*

Current expenses, ten thousand dollars (\$10,000).

Construction, fifteen thousand dollars (\$15,000).

Officers' salaries, one thousand dollars (\$1,000).

Furniture and fixtures, five thousand dollars (\$5,000).

*Board of Appraisers and Assessors Express, etc., Co.*

Salaries of members, fifteen hundred dollars (\$1,500).

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1894,

nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 16, 1894.

29G

[Senate Bill No. 81.]

### AN ACT

To direct the board of world's fair managers of Ohio to present to the Chicago museum the mineral pavilion erected in the mines and mining building at Chicago.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of world's fair managers of Ohio be and they are hereby directed to present to the Chicago museum, that part of the Ohio exhibit at the world's Columbian exposition, held at Chicago, known as the mineral pavilion, and erected in the mines and mining building, on the grounds of said exposition; provided that said pavilion be kept in its entirety and remain as an exhibit of Ohio's mineral products. And that so much of the act passed April 25, 1893 (O. L., vol. 90, pp. 805 and 806), as is inconsistent with this act is hereby repealed.

Disposition of mineral pavilion at world's Columbian exposition.

Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 19, 1894.

30G



[Senate Bill No. 87.]

## AN ACT

To repeal section 6454a of the Revised Statutes.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6454a of the Revised Statutes be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.

81G

[Senate Bill No. 90.]

## AN ACT

To amend section 118 of the Revised Statutes of Ohio.

Notaries public:

Powers of notaries public.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 118 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 118. (Powers of notaries public.) Each notary public, duly appointed, commissioned and qualified, shall have power within the county in which he resides to administer all oaths required or authorized by law to be administered in this state, to take and certify depositions, to take and certify to all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments of writing, and to receive, make and record notarial protests, and if the post-office which is recorded in the governor's office as the address of any notary public is in a city, village or hamlet situated in two or more counties in this state, such notary public shall have power to receive, make and record notarial protests within those parts of such counties as are within the established limits of such city, village or hamlet.

Repeals, etc.

SECTION 2. Said section 118 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.

82G

[Senate Bill No. 118.]

## AN ACT

To amend sections 5719 and 6350/ of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 5719 and 6350/ of the Revised Statutes of Ohio, as amended and supplemented March 24, 1891 (88 O. L., 181), be so amended as to read as follows:

Dower.

Sec. 5719. In actions for partition, when the estate can not be divided and is ordered to be sold, and in actions for the sale of real estate by executors, administrators, guardians and assignees, acting under a general assignment for the benefit of creditors, and in all other actions and proceedings wherein the court may order the sale of real estate to satisfy any judgment or decree, the widow or widower of any decedent, who has a dower interest therein, being a party, may file an answer, and waive the assignment of dower by metes and bounds, and ask to have the same sold free of dower, and to have allowed, in lieu thereof, such sum of money out of the proceeds of the sale as the court deems the just and reasonable value of the dower interest therein.

Election of widow or widower to be endowed out of proceeds of sale.

Sec. 6350/. When real estate is to be sold as herein provided, the husband or wife of the assignor may be made a party, and he or she may file an answer in the court to have said real estate sold free of his or her contingent right of dower and to allow him or her in lieu thereof, out of the proceeds of the sale, such sum of money as the court deems the just and reasonable value of his or her contingent dower interest therein; and such answer shall have the force and effect, and shall be taken and held to be, in all respects, as a deed of release of her contingent dower interest therein.

Election of husband or wife of assignor to be endowed out of proceeds of sale.

SECTION 2. That said sections 5719 and 6350/, as amended and supplemented March 24, 1891 (88 O. L., 181), be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 19, 1894.

33G

[House Bill No. 227.]

## AN ACT

To amend section 2926~~h~~ of the Revised Statutes, as the same was amended April 28, 1890 (87 O. L., 360).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2926~~h~~ of the Revised Statutes, as amended April 28, 1890 (87 O. L., 360), be and the same is hereby amended so as to read as follows:

Conduct of elections--registration:

Days for registration.

When secretary to act as registering officer:

Registration by secretary of persons who will be necessarily absent during registration.

Application for registration by mail to secretary.

Affidavits.

Sec. 2926½. The days for the general registration of electors in cities of the second class, and for the additional yearly registration of new electors herein required in such cities, and also the yearly registration herein required in cities of the first class, and also the yearly registration herein required in cities of the first grade of the second class, in the several precincts in every such city, shall be Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above prescribed for the general registration, and no longer, the secretary of the board of elections shall act as registering officer in the following cases only: Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such secretary, at the office of such board, and on making and subscribing an oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the secretary, if satisfied, shall thereupon file such affidavit and make registration of such person in the registers of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in a foreign country, before any minister, consul or vice-consul of the United States, and make and subscribe an affidavit to his residence, specifying in what precinct and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars in such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the registry of electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to the "secretary of the board of elections" of such city, the same, if received by such secretary between the days above appointed for his acting as registrar, shall entitle such applicant to be entered by the secretary in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the secretary unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents him-

self to be, or proven so to be by a credible person known to him, and whose name and full address must be stated in such certificate. Any such affidavit of an absent elector, which shall be received by such secretary on or after the first of the days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed, and shall preserve such affidavit; provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the secretary or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered into the register opposite his name, and in the column for "remarks," and such affidavit and envelope transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the secretary of the board of elections shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words, "close of registration by the secretary," and shall thereunto subscribe his name and office. A general registration of all electors of all cities of the second class, except cities of the first grade of the second class, as provided in section 2926a, shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; but in cities of the first grade of the second class there shall be had such general registration of all the electors of such cities annually, at the times and upon the days prior to each general election hereinabove specified, and there shall also be a general registration of all the electors of such cities of the first grade of the second class on the fifteenth, twenty-second, twenty-third and twenty-fourth days of March, one thousand eight hundred and ninety-four, and during the hours provided by law for the regular annual registration; provided, however, that the printed lists of the electors who shall register at such special general registration on said days of March, one thousand eight hundred and ninety-four, shall be dispensed with, and that in regard to April or other public elections, other than state, that shall be held in said cities of the first grade of the second class subsequent to the April election of the year one thousand eight hundred and ninety-four, said cities of the first grade of the second class shall be governed by the subsequent provisions of this section, as far as the same are applicable; and at all other state, April or any other public elections, those electors who have been duly registered at such general registration

Transmittal of affidavits to registrars.

Entry of "challenged" on register.

Close of registration by secretary.

General registration in cities of the second class; Columbus.

Registration of  
new electors or  
electors moving  
into precinct.

Removal certifi-  
cates.

Duties of regis-  
trars.

as herein provided, and have not removed from the precinct in which they then registered at said general registration in any such city, shall not be required to register; but at such state, April or any other public elections, at the times hereinbefore provided for registration days, only those electors of any such city shall be required to register, as may be new electors, or who have moved into any precinct of any such city, since any general, state or April registrations, and have not been registered therein, excepting that at such April or public election other than presidential and state, such registration shall take place on Friday and Saturday in the second week before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926*k*. Within a sufficient time previous to any such state, April or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of elections, and attend at the place in such precinct appointed for the registration of electors at the times hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers of their respective precincts, so required to be furnished them by section 2926*g* of this act, and make a thorough canvass of their respective precincts, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of election.

Repeals.

SECTION 2. That said section 2926*k* of the Revised Statutes, as the same was amended April 28, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 21, 1894.

[Senate Bill No. 58.]

## AN ACT

To amend section 4 of an act entitled "An act to provide for the publication of volume VII, geology of Ohio," passed March 8, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act entitled "An act to provide for the publication of volume VII, geology of Ohio," passed March 8, 1893, be so amended as to read as follows:

Geology of  
Ohio, volume  
VII:

Sec. 4. Of the copies of the complete report, the following distributions shall be made: To the state library, for exchange, including one copy for each state institution and each state officer, two hundred copies; to the state geologist, six hundred copies; to be deposited with the secretary of state, to be sold at one dollar and fifty cents per volume for the benefit of the general revenue fund, one thousand copies. The remainder to be equally divided among the members of the seventy-first general assembly. Of the separate copies of "economic geology," the following distribution shall be made: To the state geologist, three hundred copies; to each member of the seventieth general assembly, making application for the same to the secretary of state, during the present session, any number not exceeding fifty copies; provided, that the applications shall not exceed the number printed. In case of such excess the copies shall be equally divided among the applicants. Any surplus copies shall be deposited with the secretary of state, to be sold at sixty-five cents per volume, for the benefit of the general revenue fund.

Distribution of  
foregoing  
reports.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 27, 1894.

35G

[Senate Bill No. 63.]

## AN ACT

To amend sections 3591, 3605 and 3660 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3591, 3605 and 3660 be amended to read as follows:

Insurance com-  
panies:

Sec. 3591. No joint stock company shall be organized under this chapter with a less capital than one hundred thousand dollars, and the whole capital shall, before pro-

Capital of joint  
stock life com-  
pany.

ceeding to business, be paid in and invested in treasury notes, in stocks or bonds of the United States, in stocks or bonds of the state of Ohio or of any municipality or county thereof, or in mortgages on unincumbered real estate within the state of Ohio worth double the amount loaned thereon, exclusive of buildings.

Deposit with  
superintendent  
of insurance or  
other officer.

Sec. 3605. No such company shall transact any business of insurance in this state unless at least one hundred thousand dollars of its assets are invested in the interest paying bonds or stocks of the United States, or of this state or of any municipality or county thereof, or the interest paying state bonds or stocks of some other state of the United States, of the market value of one hundred thousand dollars in the city of New York, or in bonds and mortgages on unincumbered real estate in this state, or in the state under the laws of which it was organized, of at least double the value of the amount loaned thereon, and such bonds and mortgages are deposited with the superintendent of insurance of this state, or the chief financial or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such bonds and mortgages are deposited with the superintendent of insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer, under his hand and official seal, that he, as such officer, holds in trust and on deposit, for the benefit of the policy-holders of such company, the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least one hundred thousand dollars.

Deposit with  
superintendent  
of insurance.

Sec. 3660. A company incorporated by or organized under the laws of a foreign government shall deposit with the superintendent of insurance, for the benefit and security of the policy-holders residing in this state, a sum not less than one hundred thousand dollars in stock or bonds of the United States, or the state of Ohio or any municipality or county thereof, which shall not be received by the superintendent at a rate above their par value; the stocks and securities so deposited may be exchanged from time to time for other like securities; so long as the company so depositing continues solvent and complies with the laws of this state, it shall be permitted by the superintendent to collect the interest or dividends on such deposits; and for the purpose of this chapter the capital of any foreign company doing fire insurance business in this state shall be deemed to be the aggregate value of its deposits with the insurance or other departments of this state and of the other states of the United States, for the benefit of policy-holders in this state or in the United States, and its assets and investments in the United States certified according to the provisions of this chapter; but such assets and investments must be held within the United States, and invested in and held by trustees, who must be citizens of the United States, appointed

Capital of fire  
company.

by the board of directors of the company and approved by the insurance commissioner of the state where invested, for the benefit of the policy-holders and creditors in the United States; and the trustees so chosen may take, hold and convey real and personal property for the purpose of the trust, subject to the same restrictions as companies of this state.

SECTION 2. Said original sections 3591, 3605 and 3660 of the Revised Statutes are hereby repealed and this act shall take effect on its passage. Repeals etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
36G

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[Senate Bill No. 73.]

## AN ACT

To amend section 3991 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3991 of the Revised Statutes be amended so as to read as follows: School-houses:

Sec. 3991. When the board of education of any district, except a city district of the first class, determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites and erect a school-house or school-houses thereon, or to do either, or when it shall become known to a board of education that the money provided for the purchase of a site or sites and the erection of a school-house or school-houses is not sufficient therefor, and such board ascertains that the purchase of such site or sites, and the erection and furnishing of such school-house or school-houses, or either, or the completion of a partially built or unfurnished school-house or school-houses for which a sufficient sum of money has not been provided, will require a greater tax upon the property of such district than the board is authorized by this title to levy, and that to provide means therefor it will be necessary to issue bonds, it shall make an estimate of the probable amount of money required for such purposes, or either of them, and at a general election, or a special election called for that purpose, shall submit to the electors of the district the question of levying taxes for such purposes or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site or sites, the erection of such school-house or school-houses, or completion or furnishing or refurnishing of same, or either of

When and how  
question of tax  
levy submitted  
to voters.



them, is raised; and ten days' notice of such submission shall be given by the board by posters put up in five of the most public places in the district, which shall state the time, place and object of the election.

Repeals, etc.

SECTION 2. That said original section 3991 is hereby repealed, and this act shall take effect upon its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 27, 1894.

37G

[Senate Bill No. 74.]

## AN ACT

To amend section 3959 of the Revised Statutes, as amended March 24, 1892 (89 O. L., 142).

School funds:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3959 of the Revised Statutes of Ohio, as amended March 24, 1892, be amended so as to read as follows:

Maximum of  
levy.

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four mills; and in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed eight mills on the dollar of valuation of taxable property. But a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place, and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period, if no such paper is published therein.

When and for  
what purpose  
greater tax may  
be levied.

SECTION 2. That said original section 8959, as amended March 24, 1892, is hereby repealed, and this act shall take effect upon its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.

38G

[Senate Bill No. 96.]

### AN ACT

To amend section 36 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892, as amended April 25, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 36 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892, as amended April 25, 1893, be and the same is hereby amended so as to read as follows:

Conduct of elections:

Sec. 36. The judge of election called by the deputy state supervisors to receive and deliver the ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more distant therefrom. The judge of the election carrying the returns to the deputy state supervisors shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for each election; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law, except that the chairman elected at the meeting for organization shall receive one dollar for calling for the sealed package of ballots.

Compensation of judges and clerks of election.

Cities having registration.

SECTION 2. Said original section is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.

39G

[House Bill No. 66.]

## AN ACT

To amend section 1 of an act entitled "An act to authorize the use of school-houses for literary entertainments, school exhibitions, singing schools and religious exercises," as amended March 24, 1892 (O. L., vol. 89, p. 147, S. and B. 3987—1).

**School-houses:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize the use of school-houses for literary entertainments, school exhibitions, singing schools and religious exercises," as amended March 24, 1892 (O. L., vol. 89, p. 147, S. and B. 3987—1), be amended so as to read as follows:

**Regulating use of school-houses.**

Sec. 3987—1. That when, in the judgment of any board of education, it will be for the advantage of the children residing in any school district to hold literary societies, school exhibitions, singing schools, religious exercises, select or normal schools, the board of education shall authorize the opening of such school-houses for the purposes aforesaid. And the board of education of any school district shall have discretionary power to authorize the opening of such school-houses for any other lawful purposes; provided, however, that nothing herein contained shall be construed to authorize any board of education to rent or lease any school-house when such rental or lease shall in any wise interfere with the public schools in such district, or for any purpose other than such as is authorized by this act.

**Repeals.**

SECTION 2. That section 1 of an act entitled "An act to authorize the use of school-houses for literary entertainments, school exhibitions, singing schools and religious exercises," as amended March 24, 1892, be and the same is hereby repealed. (O. L., vol. 89, p. 147, S. and B. 3987—1.)

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.

40G

[House Bill No. 109.]

## AN ACT

To amend section 3 of an act entitled "An act to amend section 4 of an act passed March 26, 1891 (88 O. L., p. 234), entitled 'an act to provide for the collection, arrangement and display of the products of the state of Ohio at the world's Columbian exposition of 1893, and to make an appropriation therefor, and to appropriate an additional sum of money for the purpose of said act, and to authorize the commission appointed under the provisions of said act to contract for and have placed a suitable memorial design,'" passed March 31, 1892.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Ohio, That section 3 of the above recited act be amended so as to read as follows:

World's Columbian exposition:

Sec. 3. That the commission appointed under the provisions of this act is hereby authorized to contract for and have placed on the Ohio building lot, in the grounds of the world's Columbian exposition at Chicago, a suitable memorial design, consisting of a group of statuary, in marble or bronze, of statesmen and soldiers, representatives of the state and of national renown, the total cost of said memorial not to exceed twenty-five thousand dollars; and at the close of the said Columbian exposition the said memorial design shall be removed to Columbus, Ohio, and placed permanently in the lawn north of the walk on the west entrance to the capitol building. The exact place in said lawn to be fixed by a committee consisting of the governor, lieutenant-governor, adjutant-general, speaker of the house and W. W. Peabody, president of aforesaid commission.

Memorial design.

Disposition of such design.

SECTION 2. Said section 3 of said act of March 31, 1892, is hereby repealed, and this act shall take effect upon its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.

41G

[House Bill No. 294.]

### AN ACT

To amend section 2113 of the Revised Statutes, as amended March 14, 1893 (vol. 90, O. L., page 87).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2113 of the Revised Statutes of Ohio, as amended March 14, 1893, be so amended as to read as follows:

Board of health:

Sec. 2113. The council of each city and village shall establish a board of health; such board shall be composed of the mayor, who shall be president by virtue of his office, and six members, to be appointed by the council, not more than two of whom shall be medical practitioners, who shall serve without compensation, and a majority of whom shall constitute a quorum. Provided, that none of the provisions of this section shall apply to cities of the first class nor to cities of the first or second grade of the second class, nor to cities of the second class, third grade *a*. And provided further, that the board of public affairs of cities of the second class, third grade *a*, shall have the powers and perform the duties conferred and imposed upon the board of health by chapter one, division six, title twelve of the Revised Statutes of Ohio.

City and village boards of health.

Exception as to certain cities.

Springfield.

Repeals.

SECTION 2. That said amended section 2118 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.

42G

[House Bill No. 295.]

## AN ACT

To further supplement section 1708 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1708 of the Revised Statutes be further supplemented by an additional section as follows:

Supervising  
accountant in  
Toledo.

Sec. 1708*b*. In cities of the third grade of the first class, there shall also be a supervising accountant, appointed, and subject to removal at any time, by the mayor. He shall receive as compensation for his services the sum of twenty-five hundred dollars per annum; and shall before entering upon the performance of his duties take an oath of office as now required of the city auditor, and give bond to the satisfaction and approval of the mayor in the penal sum of five thousand dollars, conditioned according to law for the honest and faithful performance of the duties of his office. He shall open books of account with each department, division or board of the municipal government; and each such department, division or board, or the officer or person of each charged by law with the duty of keeping the accounts of such division, department or board, shall, on the first day of each and every month, or within five (5) days thereafter, make and file with said supervising accountant a full, complete and correct detailed statement of the business and expenses of the preceding month, including therein such a statement of all moneys received by such department, board or division, and the source or sources from whence received, and of all moneys deposited or disbursed and with whom or to whom, for what, and by what authority; or such summary thereof as said accountant may in writing specify, with the written consent of the mayor or board of revision; and said accountant shall each month, and at such other times as the mayor or board of revision of such city shall require or he may deem necessary, examine and investigate each and every department, division or board of said city government; the officers or persons charged with the duty of keeping such accounts, and the books and accounts thereof, and all vouchers taken

for disbursements in each division, board or department, and all deposits or disbursements of such officer, person, division, board or department, to verify the reports made to him as above required, and ascertain the methods and condition thereof; and he shall make and file with the mayor of such city a true report of the result of each such investigation and examination; and such examinations shall include whether the statutes of the state, the ordinances of the city, and the requirements of the board of revision, are complied with. He shall also be authorized and empowered, with the advice and consent of the mayor, or the board of revision, to require such officer, person, division, department or board to adopt any improvement or change in the method of keeping the books or accounts as he shall deem necessary to simplify or make better the system of accounts therein kept; and the books and accounts of all such officers, persons, departments, divisions or boards shall be open to his inspection at all times. He shall also prepare each month a brief and condensed statement of the accounts of each such department, division, board, officer or person as aforesaid, for the preceding month and of the money received and disbursed in and by each, the source from whence received and the disposition made thereof, including also a statement of the business done and the expenses incurred in each such department, division or board, and also the totals for the other months prior thereto and beginning April 1st, of each year; such statement shall also show the money in each fund at the end of each such preceding months, and the resources and liabilities of the city. April 1st shall be regarded as the beginning of the fiscal year for the purposes contemplated by this act. He shall furnish a copy of such statement during each said month to the mayor, and publish a copy thereof in at least two of the daily papers of such city of different politics.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives,*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 27, 1894.

43G

[House Bill No. 9.]

## AN ACT

To prevent the use of any measure other than the standard half-bushel in determining the grade of wheat, when purchasing or receiving same in barter or exchange from the original producer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, commission-merchant, miller, dealer, grain-inspector,

Unlawful to use  
other measure  
than standard

half-bushel in testing or determining weight, grade, milling or market value of wheat.

corporation, company, firm or association, either by himself, itself, officer, agent or employe, when purchasing or receiving in barter or exchange for flour or otherwise, from the original producer, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel furnished this state by the United States; and the use of any fractional part of said standard half-bushel measure for such purpose will be a violation of this section.

Penalty.

SECTION 2. Any person, commission-merchant, miller, dealer, grain-inspector, corporation, company, firm or association, or any person acting as officer, agent or employe, found guilty of a violation of section 1 of this act, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in the county jail not more than thirty days, or both, at the discretion of the court. Fines collected for violation of this act shall be paid into the county treasury to the credit of the county fund.

Disposition of fines.

Duty of prosecuting attorney; fee.

SECTION 3. It shall be the duty of the prosecuting attorneys to see that this act is enforced in their respective counties; and for each conviction of violation thereof they shall be entitled to a fee of twenty dollars, to be paid out of the county funds upon the allowance of the commissioners of the county.

SECTION 4. This act shall take effect sixty days after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 1, 1894.

44G

[House Bill No. 245.]

## AN ACT

To amend section 2690½ of the Revised Statutes.

Finance and taxation:

Semi-annual detailed and specific appropriations in Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3690½ of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2690½. In all cities of the first grade of the first class, the board of legislation shall make, by the first week of each fiscal half-year, detailed and specific appropriations for the several objects for which the city has to provide, apportioned to each month, of the moneys known to be in the treasury, or estimated to come into it during the six months next ensuing, including in their estimate the next semi-annual December collection of taxes and all other sources of revenue, and be careful to provide in their appropriations for every legitimate city expenditure, and to apportion the

means fairly and legally among such expenditures; and their action thereon they shall transmit to the board of tax commissioners for approval, amendment or rejection, as they may determine. All expenditures within the following six months shall be made in accordance with and within said appropriation. Balances thereof, or credits remaining over at the end of the year, shall then no longer be open for payment therefrom, and shall be recredited to the funds from which they were taken; but in making the semi-annual appropriation and apportionment hereby required, it shall be the duty of the board of legislation to deduct and set apart, out of the fund for general purposes, the sum of fifty thousand dollars as a contingent fund to provide for any deficiency in either of the detailed and specific appropriations so to be made which may lawfully and by any unforeseen emergency happen, which contingent fund and any part thereof may be expended for any such emergency only by an ordinance first recommended by the board of administration, passed by the votes of two-thirds of all the members of the board of legislation and approved by the mayor, or in case of his disapproval, upon its passage over his veto, in the manner provided by law.

Contingent  
fund.

SECTION 2. That the present section 2690~~h~~, of the Revised Statutes, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 1, 1894.  
45G

[House Bill No. 94.]

## AN ACT

To supplement sections 2235 and 1655a of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2235 and 1655a of the Revised Statutes of Ohio be and the same are hereby severally supplemented with sectional numbering hereafter stated, as follows:

Municipal cor-  
porations:

Sec. 2235a. In cities of the first grade of the first class no resolution or ordinance for the appropriation of private property shall take effect unless such resolution or ordinance is concurred in by the board of administration of such city, and unless approved by the mayor, or, in case of his disapproval, is passed over his veto in the manner provided by law.

Resolution or  
ordinance ap-  
propriating pri-  
vate property in  
Cincinnati.



Ordinance, resolution or order granting franchise or creating right in Cincinnati.

Sec. 1655b. In cities of the first grade of the first class, no ordinance, resolution, or order, for granting a franchise or creating a right, shall take effect unless such ordinance, resolution or order is concurred in by the board of administration of such city, and unless approved by the mayor, or, in case of his disapproval, is passed over his veto in the manner provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 5, 1894.

46G

[House Bill No. 137.]

## AN ACT

To amend section 7284 of the Revised Statutes of Ohio.

Evidence:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7284 be amended so as to read as follows:

Who competent to testify; husband and wife.

Sec. 7284. No person shall be disqualified as a witness in any criminal prosecution by reason of his interest in the event of the same, as a party or otherwise, or by reason of his conviction of any crime; and husband and wife shall be competent witnesses to testify in behalf of each other in all criminal prosecutions; but such interest, conviction or relationship may be shown for the purpose of affecting his or her credibility. But husband or wife shall not testify concerning any communication made by one to the other, or act done by either in the presence of each other during coverture, unless the communication was made or act done in the known presence or hearing of a third person competent to be a witness, or unless in case of personal injury by either the husband and wife to the other, or in case of the neglect or cruelty of either to their minor children under ten years of age. And the rule shall be the same if the marital relation has ceased to exist; provided, that the presence or whereabouts of the husband or wife shall not be construed to be an act under this section.

Repeals.

SECTION 2. Said original section 7284 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 5, 1894.

47G

[House Bill No. 189.]

## AN ACT

To amend sections 7428 and 7429 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7428 and 7429 of the Revised Statutes of Ohio be and the same are hereby amended to read as follows: Penitentiary—  
treatment of  
prisoners:

Sec. 7428. When a convict becomes insane, the warden shall give notice to the physician for the penitentiary, who, upon the receipt of such notice, shall forthwith examine such convict, and if upon such examination he is of the opinion that the convict is insane, he shall certify the same to the warden, who shall forthwith confine such lunatic or insane convict in the insane department of the penitentiary. Should it be deemed necessary after such convict is put in such department, evidenced by the certificate of the superintendent of the Columbus state hospital and such physician, the board of managers of the penitentiary may direct and order, and thereupon it shall be the duty of such warden to remove such lunatic or insane convict to the Columbus state hospital, and it shall be the duty of such superintendent to set apart a portion of such asylum wherein such lunatic or insane convict shall be confined as may be necessary. When convict  
becomes insane.

Sec. 7429. The physician for the penitentiary shall give such medical and surgical treatment to all lunatic or insane convicts while confined in the penitentiary as the nature of their case requires; and all lunatics or insane convicts, while confined in the Columbus state hospital, shall receive such care, attention and medical treatment, and be subject to such rules as may be provided for other inmates therein; and whenever a certificate is issued to the warden by the physician of the penitentiary that any lunatic or insane convict confined in the insane department of the penitentiary, or whenever a certificate is issued to the warden by the superintendent of said state hospital that any lunatic or insane convict removed and confined in said state hospital, as provided in the next preceding section, is restored to his proper mind, or so far restored that it is considered safe to put him at labor under his sentence, the warden shall again put him at hard labor according to his sentence. Medical treat-  
ment, etc., of in-  
sane convict.

SECTION 2. That sections 7428 and 7429 of the Revised Statutes be and the same are hereby repealed. Return of re-  
stored convict  
to labor.

SECTION 3. This act shall take effect and be in force from and after its passage. Repeals.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 5, 1894.

[House Bill No. 312.]

## AN ACT

To amend section 2858 of the Revised Statutes.

Collection of  
taxes:Reading of list  
of delinquents  
in payment on  
personalty; em-  
ployment and  
compensation  
of collectors.

Repeals etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2858 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2858. The county commissioners shall, at their September session, annually, cause the list of persons delinquent in the payment on personal property to be publicly read; and they may at any time, if they deem the same necessary, authorize the treasurer to employ collectors to collect the same or any part thereof, prescribing the compensation of such collectors which shall be paid out of the county treasury; and all such allowances shall be apportioned ratably by the county auditor among all the funds entitled to share in the distribution of such taxes.

SECTION 2. That said section 2858 is hereby repealed and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 5, 1894.

49G

[House Bill No. 287.]

## AN ACT

To amend section 6289 of the Revised Statutes of Ohio.

Guardian:

Effect of his set-  
tlement with  
court; review  
of such settle-  
ment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6289 of the Revised Statutes be amended so as to read as follows:

Sec. 6289. The settlement made in the probate court of the accounts of a guardian shall be final between him and his ward unless an appeal be taken therefrom to the court of common pleas in the manner provided by law, saving, however, to subsequent guardians during the minority of his ward, or to any such ward, at any time within two years after such ward shall arrive at full age, the right of opening and reviewing such settlements for fraud or manifest mistake by civil action in the court of common pleas of the county in which such settlement was made, or the county where such former guardian may reside when the petition is filed at the option of the plaintiff in such action.

**SECTION 2.** That said original section 6289, as aforesaid, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 6, 1894.

50G

[House Bill No. 319.]

### AN ACT

To supplement section 594 of the Revised Statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 594 of the Revised Statutes be and is hereby supplemented with sectional numbering as follows, viz.: Justices of the peace.

Sec. 594a. In any township situated within any county containing a city of the first grade, first class, in which there is no township hall or other public building belonging to the township, each justice of the peace may provide himself with a suitable office at an expense not exceeding fifty dollars per year for rent of same, payable out of the general township fund by the township treasurer upon the certificate of such justice, countersigned by the township clerk. Offices in certain townships in Hamilton county.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 6, 1894.

51G

[Senate Bill No. 106.]

### AN ACT

**To repeal an act** entitled "An act to incorporate the central Ohio insurance company, of Licking county."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to incorporate the central Ohio insurance company, of Licking county," passed March 8th, 1845 (43, O. L., p. 319), be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.

52G

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[Senate Bill No. 107.]

### AN ACT

To repeal an act entitled "An act to incorporate the Seneca county (mutual) insurance company."

Repeals. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to incorporate the Seneca county (mutual) insurance company," passed March 19, 1850 (O. L., 48, p. 508), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.

53G

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[Senate Bill No. 99.]

### AN ACT

To amend supplementary section 4022a of the Revised Statutes of Ohio, as amended April 25, 1893.

Schools: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 4022a of the Revised Statutes of Ohio, as amended April 25, 1893, be so amended as to read as follows:

Children permitted to attend nearest school. Sec. 4022a. The board of education of any township district, subdistrict, special or joint subdistrict within the state of Ohio, shall permit children of school age who reside further than one and a half miles from the school where they have a legal residence under the school laws of Ohio, to attend the nearest subdistrict, special or joint subdistrict school; and the per capita current expense of running the school in the district where such children attend, for the term so attending, shall, upon demand of the board of education of such district, be paid by the board of education of the district where such children have a legal residence. Per capita expense. The per capita cost of running the school in all cases shall

be the quotient produced by dividing the total current expense of running such school by the total number of children of school age in such district; provided, that in counties containing a city of the second grade of the first class any board of education of any township district located therein may, when in its opinion the same will be for the best interests of the pupils therein, temporarily suspend school in any subdistrict, and provide for the conveyance of said pupils to the school in the adjoining subdistrict most convenient for them respectively. All acts or parts of acts, so far as they may be inconsistent with the provisions hereof, are hereby declared void as to such inconsistency, but not otherwise.

Cuyahoga  
county.

Inconsistent  
acts void.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 8, 1894.  
54G

[House Bill No. 538.]

### AN ACT

To make appropriation for expenses of the general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000), for salaries and mileage of members, per diem of clerks, sergeants-at-arms, and other officers and employes of the general assembly.

Appropriation  
for expenses  
general assem-  
bly.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 9, 1894.  
55G

[Senate Bill No. 177.]

### AN ACT

Supplementary to an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the term of office of the commission appointed by the authority of an act entitled "An act supplementary to an act entitled 'an act to provide for a

Canal commis-  
sioners:

Appointment,  
powers and du-  
ties.

Term; vacancy.

Oath; bond;  
salary and ex-  
penses.

commission to establish the boundaries and lines of the canals and canal basins, reservoirs, etc., etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed April 18, 1892, having expired by limitation, and the work assigned to said commission not having been completed, the governor is hereby authorized to appoint, by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work prescribed in the act entitled "An act to provide for a commission to establish the boundaries and lines of canals, canal basins, reservoirs, etc., etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (O. L., vol. 85, p. 127), and the act amendatory thereof, passed April 12, 1889 (O. L., vol. 86, p. 270), and the act supplementary thereto (to which this act is supplementary), passed April 18, 1890 (O. L., vol. 87, p. 219), and the act amendatory of the act of April 12, 1889, above named, passed May 1, 1891 (O. L., vol. 88, p. 507), and the act enlarging the duties of the canal commission, passed April 23, 1891 (O. L., vol. 88, p. 338), and any other acts amendatory of or supplementary to the above named acts, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by the above named acts, or either of them, or by any existing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office. The said canal commissioners, after appointment, shall take an oath of office and give bond in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, and shall receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as the compensation and expenses of the canal commission, of which such canal commissioners will be the successors, as now required by law to be paid.

SECTION 2. This act shall take effect and be in force from and after the 18th day of April, 1894.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.

[Senate Bill No. 181.]

## AN ACT

For the relief of the Republican printing company, of Elyria, Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state is hereby authorized to issue a duplicate warrant in favor of the Republican printing company, of Elyria, Ohio, No. 3026, for sixty-four dollars and eighty cents (\$64.80). Said original warrant, issued February 6, 1894, was lost.

Duplicate warrant in favor of Republican printing company.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.

57G

[Senate Bill No. 189.]

## AN ACT

To provide for the payment of the expenses of the election contest of John A. Buchanan against Walter S. Hardesty.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That there be appropriated out of the general revenue fund of the state not already appropriated, the sum of seven hundred and eighty-nine dollars and ten cents for the purpose of defraying the expenses of the senatorial election contest of John A. Buchanan against Walter S. Hardesty, to be distributed as follows: To the said John A. Buchanan, \$378; to the said Walter S. Hardesty, \$370, and to W. S. Plum for the benefit of witnesses appearing before the election committees, \$41.10. The auditor of state is hereby authorized and directed to draw his warrant on the state treasurer for the several amounts herein specified.

Appropriation for expenses Buchanan-Hardesty election contest.

**SECTION 2.** This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.

58G



[House Bill No. 505.]

## AN ACT

To amend sections 1546 and 1548 of the Revised Statutes, as amended February 6, 1894; to supplement original sections 1744, 1785 and 1797 of the Revised Statutes, so as to establish a police court and provide for the election of a judge thereof in cities of the fourth grade *a* of the second class.

Municipal corporations: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1546 and 1548 be amended so as to read as follows:

Classification, general.

Sec. 1546. Municipal corporations are divided into cities, villages and hamlets; cities are divided into two classes, first and second; cities of the first class are divided into three grades, first, second and third; cities of the second class are divided into seven grades, first, second, third, third *a*, third *b*, fourth and fourth *a*. Cities of the second class, which hereafter becomes cities of the first class, shall constitute the fourth grade of the latter class; and villages, which hereafter become cities, shall belong to the fourth grade of the second class; provided, that nothing in this act shall change the grade or class of any city now existing, except such city or cities as are or may be included in fourth grade *a*, second class, hereby created.

Cities of the second class:

Sec. 1548. Existing corporations, organized as cities of the second class, shall remain such until they become cities of the first class, and their grades and the grades of those which may be or may become cities of the second class shall be determined as follows: Those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in the way mentioned in [the] section 1547 of the Revised Statutes, more than thirty thousand five hundred, and less than thirty-one thousand five hundred inhabitants, shall constitute the first grade; those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twenty thousand and less than thirty thousand five hundred inhabitants, shall constitute the second grade; those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than ten thousand and less than twenty thousand inhabitants, shall constitute the third grade; those which, on the first day of July, A. D. 1890, had more than twenty-eight thousand and less than thirty-three thousand inhabitants, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twenty-eight thousand and less than thirty-three thousand inhabitants, shall constitute and be the third grade *a*; those which, on the first day of July, 1890, had more than sixteen thousand and less than eighteen thousand inhabitants, shall, on and after the passage of this act, constitute and be, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than sixteen thousand and less than eighteen thousand inhabitants,

First grade.

Second grade.

Third grade.

Third grade *a*.

Third grade *b*.

shall constitute and be the third grade *b*; and those which, on the first day of July, 1890, had, and those which hereafter, on the first day of July, in any year, have less than ten thousand and more than five thousand inhabitants, shall constitute the fourth grade; except that those which, on the first day of July, 1890, had more than eight thousand three hundred and thirty and less than nine thousand and fifty inhabitants, shall, on and after the passage of this act, constitute and be, and those which may hereafter on the first day of July, in any year, have, when ascertained in the same way, more than eight thousand three hundred and thirty and less than nine thousand and fifty inhabitants, shall constitute and be the fourth grade *a*.

Fourth grade.

Fourth grade *a*.

SECTION 2. That the following sections be enacted as supplementary to section 1785 of the Revised Statutes of Ohio:

Police court :

Sec. 1785*e*. In cities of the fourth grade *a* of the second class there shall be a court held by a police judge, which court shall be styled the police court, and be a court of record. The provisions of the Revised Statutes and all acts amendatory and supplementary thereto relating to police courts throughout the state, and the officers thereof, not inconsistent with the provisions of this act, are hereby made applicable to police courts and the officers thereof, in cities of the fourth grade *a* of the second class.

Ashtabula police court.

Sec. 1785*f*. In cities of the fourth grade *a* of the second class there shall be chosen by the electors, at the first annual municipal election after the passage of this act, a police judge, who shall serve for the period of three years and until his successor is elected or appointed and qualified, and thereafter, as the term of such judge expires, his successor shall in like manner be elected, to serve for the period of three years; vacancies in the office shall be filled by the governor. Such judge shall be ex officio clerk of his own court, with all of the powers and duties now conferred upon clerks of police courts by the provisions of the Revised Statutes, and the acts amendatory and supplementary thereto, not inconsistent with this act; provided, that he shall be entitled to a deputy clerk of the police court who may perform any duty of his principal, who shall be appointed by such police judge by and with the consent of the council of such cities, when by them deemed necessary, and who shall receive such compensation for his services as the council shall prescribe. Such judge and ex officio clerk and also such deputy clerk of the police court shall give such bond, with sureties, as the council of such cities may require.

Election and term of judge.

Vacancies.

Ex officio clerk.

Deputy clerk.

Bonds.

SECTION 3. That the following section be enacted as supplementary to section 1797 of the Revised Statutes of Ohio:

Police court :

Sec. 1797*b*. In cities of the fourth grade *a* of the second class the police judge and ex officio clerk of the police court, in criminal cases or prosecutions, shall receive

Compensation of Ashtabula police judge; fees; fines.

no fees, fines or perquisites, but shall receive such annual compensation as the council of such cities shall prescribe by ordinance, payable quarterly out of the city treasury, and such further compensation payable out of the county treasury as the commissioners of the county may deem proper; provided, that such judges shall receive from the county treasury not less than two hundred dollars; provided further, that nothing in this section shall prohibit any such judge and ex officio clerk from receiving such fees in civil cases, and for taking acknowledgments of instruments, depositions, affidavits, etc., as are allowed justices of the peace for like services; and all fines and fees collected for the violation of ordinances shall be turned over to the city treasurer, by such judge, on or before the fifth day of each month, and he shall make a written statement of the number and amount of the same, and file the same with the city clerk before the first regular meeting of the council of such cities in each month, who shall report the same to the council and make a minute of the same upon the council journal; and all fines or fees collected by him for violations of the state laws shall, on or before the first day of January, April, July and October, respectively, of each year, be turned over to the county treasurer.

Mayor:

SECTION 4. That the following section be enacted as supplementary to section 1744 of the Revised Statutes.

Jurisdiction  
vested in Ash-  
tula police  
judge.

Sec. 1744b. That in cities of the fourth grade *a* of the second class the jurisdiction of the mayor, as provided in said section 1744 of the Revised Statutes, shall be performed, enforced and exercised by the police judge herein provided for; and the council of such cities shall fix by ordinance an annual salary of the mayor, which shall be payable quarterly from the city treasury; and in such cities the office of clerk of the mayor's court is hereby abolished.

Salary of mayor;  
office of clerk of  
mayor's court  
abolished.

Repeals, etc.

SECTION 5. Said original sections 1546 and 1548, as amended February 6, 1894, are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 13, 1894.

59G

[House Bill No. 113.]

## AN ACT

To amend section 4477 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4477 of the Revised Statutes be amended so as to read as follows:

County ditches:

Sec. 4477. The work shall be done under the supervision of the surveyor or engineer, and when a part, not less than one-fourth of the portion thereof included in any contract, is completed in accordance with the specifications, he shall give to the contractor a certificate thereof, showing the proportional amount which the contractor is entitled to be paid by the terms of his contract; and the auditor shall, upon the presentation of such certificate to him, draw his warrant on the treasurer for not more than seventy-five per cent. of the amount, and the treasurer shall pay the same out of any funds in the treasury applicable to such purpose; or if the commissioners have determined to issue bonds for the construction of such work, they may, if the contractor consent, pay in bonds; but proportioned amounts shall not be certified or paid unless the whole job amounts to more than one thousand cubic yards; when the whole contract is completed, the entire price may be paid in the manner aforesaid.

Supervision of  
work and pay-  
ment of con-  
tractors.

SECTION 2. That said original section 4477 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
60G

[House Bill No. 197.]

## AN ACT

To amend sections 6816 and 6817 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6816 and 6817 of the Revised Statutes of Ohio be amended so as to read as follows:

Crimes against  
the person:

Sec. 6816. Whoever has carnal knowledge of a female person, forcibly and against her will, or being eighteen years of age carnally knows and abuses a female person under fourteen years of age, with her consent, is guilty of rape.

Rape.

Sec. 6817. A person convicted of rape upon his daughter, or sister, or a female person under twelve years of age, shall be imprisoned in the penitentiary during life; and a person convicted of rape upon any other female person shall be imprisoned in the penitentiary not more than twenty nor less than three years.

Punishment for  
rape.

Repeals, etc.

SECTION 2. Said sections 6816 and 6817 are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 13, 1894.

61G

[House Bill No. 236.]

### AN ACT

To amend section 7246 of the Revised Statutes of Ohio.

Proceedings before trial:

Payment of counsel assigned in cases of felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7246 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7246. Counsel so assigned in any case of felony shall be paid for their services by the county, and may receive therefor, in any case of murder in the first or second degree such compensation as the court approves, in any case of manslaughter not exceeding one hundred dollars, and in any other case of felony not exceeding fifty dollars; but the auditor shall not draw an order on the treasurer for the payment of any such counsel until his account for such services has been presented to and allowed by the commissioners.

Repeals, etc.

SECTION 2. That original section 7246 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 13, 1894.

62G

[House Bill No. 238.]

### AN ACT

To authorize the trustees of the Ohio state university to refund the certificates of indebtedness issued by them pursuant to the act entitled "An act to amend the act entitled 'an act to authorize the board of trustees of the Ohio state university to issue certificates of indebtedness for certain purposes therein named,' passed May 4, 1891," passed April 15, 1892 (O. L., 89, p. 321).

Ohio state university refunding certificates of indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio state university are hereby authorized to refund the whole or any part of the certificates of indebtedness issued by them in pursuance of the act entitled "An act to amend the act en-

titled 'an act to authorize the board of trustees of the Ohio state university to issue certificates of indebtedness for certain purposes therein named,' passed May 4, 1891," passed April 15, 1892, by issuing other certificates of indebtedness in lieu thereof, in the manner hereinafter provided.

SECTION 2. That the certificates of indebtedness authorized by this act shall not exceed in the aggregate the sum of one hundred and ten thousand dollars, and shall be issued in anticipation and payable out of the annual levies for the support of the Ohio state university, provided by the act of the general assembly of the state of Ohio entitled "An act to amend section 3951 of the Revised Statutes of Ohio," passed March 20, 1891; provided, that the amount of such certificates of indebtedness payable in any one year shall not exceed the sum of ten thousand dollars; and also provided, that the whole of said certificates shall be paid by said board of trustees out of the proceeds of said levies, on or before June 30, 1905.

Aggregate amount of such certificates; issued in anticipation and payable out of what levies; limitations.

SECTION 3. The certificates of indebtedness herein authorized shall be signed by the president and secretary of said board of trustees and sealed with the seal of said university, and shall be of such denominations and bear such rate of interest not exceeding six per cent. per annum, payable semi-annually, as said board of trustees may determine, and shall be payable by said board of trustees out of the revenues in anticipation of which they may be issued as herein provided. Said certificates of indebtedness shall be sold by said board of trustees at not less than their par value, to the highest bidder, after notice of the sale thereof has been given for twenty days in a newspaper of general circulation, published in the city of Columbus.

Attestation; denominations; interest; how payable; sale.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.

63G

[House Bill No. 247.]

## AN ACT

To amend section 563 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five hundred and sixty-three (563) of the Revised Statutes be amended so as to read as follows:

Attorneys at law:

Sec. 563. The supreme court, the circuit court or the court of common pleas may suspend or remove any attorney at law from office for either of the following causes:

Suspension or removal of attorney.

Costs of prosecution.

Misconduct in office, conviction of crime involving moral turpitude, or unprofessional conduct involving moral turpitude; and such suspension or removal shall operate as a suspension or removal in all the courts of this state, and judges of such courts are required to cause proceedings to be instituted against any attorney at law, when it in any manner comes to the knowledge of any judge in whose court such attorney practices, that such attorney is probably guilty of any of the causes of suspension or removal; but before any attorney is suspended or removed, written charges must be filed against him, stating distinctly the grounds of complaint, and a copy thereof, certified by the clerk, under the seal of the court, shall be served upon him, and he shall, after such service, be allowed a reasonable time to collect and present his testimony in defense, and be heard by himself or council [counsel]; and in case of suspension or removal by the common pleas court, an appeal may be had to the circuit court, and the sentence of either the common pleas court or circuit court may be reviewed on error in the supreme court. And the court in which such charges may heretofore have been or hereafter may be filed, shall allow to the person or persons appointed to file and prosecute the same, for their services in that behalf, such sum as by the court may be deemed reasonable, not exceeding one hundred dollars each, together with such costs and expenses as may be or heretofore may have been incurred by them in and about such prosecution, which amounts so allowed shall be paid out of the county treasury of the county wherein such proceedings are had, upon the warrant of the county auditor, unless such charges are filed in the supreme court, in which case the allowances aforesaid shall be paid out of the state treasury.

Repeals.

SECTION 2. Said original section 563 is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.

64G

[House Bill No. 258.]

## AN ACT

To supplement section 4637 of the Revised Statutes of Ohio.

County roads: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4637 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Sec. 4637a. That in any county containing a city of the second grade of the first class, the commissioners may establish county roads of the width not to exceed one hundred feet, and may cause to be widened or altered not to exceed the width of one hundred feet such county roads or parts thereof as may heretofore have been established, and upon the petition of the owners of a majority of the foot frontage along any county road, the county commissioners shall direct the county surveyor to establish a grade along such road, or any part thereof, subject to the approval of said commissioners; provided, however, that the petitioners therefor shall represent not less than one mile of the foot frontage of said road.

Establishment  
or alteration in  
Cuyahoga  
county.

SECTION 2. In all cases where county roads may hereafter be established, widened or altered by virtue of this section, the county commissioners who are hereby created an assessing board for the purpose of assessing the cost and expense as set forth herein, may, instead of requiring the compensation and damages for the land taken and expense of grading and draining said road to be paid in whole or in part out of the county treasury or by the petitioners, as provided in section 4651 of the Revised Statutes, assess the same or such part thereof as they may deem equitable under the circumstances, upon the lots or lands abutting upon the said improvement and upon lots and lands benefited thereby and in making such assessments regard must be had as far as practicable to the benefits conferred upon the property assessed.

Assessments  
upon abutting  
and benefited  
property.

SECTION 3. The assessment so made shall be certified by the commissioners to the auditor of the county, who shall place the same on the tax list against such taxable property, which shall thereupon become a lien upon such property, and the same shall be collected as other taxes in not to exceed five annual instalments; provided, that said commissioners may, in anticipation of the collection of such assessment, cause the whole of such compensation, damage and expense to be paid at once out of the county treasury to the parties entitled thereto, in which case interest at the rate of five per cent. per annum may be added to all the unpaid instalments and collected therewith.

Certification  
and collection  
of assessments.

SECTION 4. When such an assessment is made upon real estate subject to a life estate, the provisions of section 2268 of the Revised Statutes shall apply.

When section  
2268 shall apply.

SECTION 5. The commissioners may order such part of the compensation, damages and cost as they may deem equitable, to be paid out of the county treasury.

Portion to be  
paid by county.

SECTION 6. Before adopting the assessments so made, the county commissioners shall publish notices for three weeks consecutively, in some newspaper of general circulation in the county, that such assessments have been made, and that the same is [are] on file in the office of the county commissioners for the inspection and examination of persons interested therein.

Notices of  
assessments.



Objections to  
assessments.

SECTION 7. If any person objects to the assessment, he shall file his objections in writing with the board of county commissioners within two weeks after the expiration of the said notice, and thereupon the board shall appoint three disinterested freeholders of the county to act as an equalizing board.

Equalization of  
assessments.

SECTION 8. On a day appointed by the commissioners for that purpose, such board, after taking an oath before a proper officer honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment and equalize the same as they may think proper, which equalized assessment they shall report to the board of county commissioners, which shall have the power to confirm the same, or set it aside and cause a new assessment to be made, and appoint a new equalizing board possessing the same qualification, which shall proceed in the manner above provided.

Confirmation of  
assessments.

SECTION 9. When the assessment is confirmed by the county commissioners, it shall be complete and final; provided, that whenever by any of the provisions of this act any act or thing is required to be done by the county commissioners, the concurrence of two-thirds of said county commissioners shall be deemed sufficient.

Laws appli-  
cable.

SECTION 10. All of the provisions of title 7, chapter 2, of the Revised Statutes, so far as the same are not inconsistent herewith, shall apply to all roads established, widened or altered under the provisions of this act, and the same right to appeal to the probate court as now exists under the provisions of title 7, chapter 4, of the Revised Statutes, is reserved.

SECTION 11. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
65G

[ House Bill No. 106. ]

## AN ACT

To make an appropriation for support of common schools.

Appropriation  
for common  
schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, for the last three quarters of the fiscal year ending November 15, 1894, for the fiscal year ending November 15, 1895, and for the first quarter of the fiscal year ending February 15, 1896, the

sum of three millions four hundred twenty-six thousand nine hundred and eighty-seven dollars and fifty cents (\$3,426,987.50), or as much as may come into the state treasury for that purpose, to be distributed and paid in the manner provided by law, agreeable to section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 14, 1894.  
66G

[ House Bill No. 413.]

### AN ACT

To amend sections 1 and 2 of an act passed March 22, 1892, "To provide for graduation from the common schools of subdistricts and special districts."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1 and 2 of an act entitled "An act to provide for graduation from common schools of subdistricts and special districts," passed March 22, 1892, shall be amended to read as follows:

Schools:

Sec. 1. Each board of county school examiners shall have power to, and shall make all necessary provisions and arrangements for, and shall hold examinations of pupils of the subdistricts and special districts in the subjects of orthography, reading, writing, arithmetic, geography, physical geography, English grammar, United States history and physiology. Such examinations shall be held in the county seats on the first Saturday of March and April or of April and May of each year, and shall be of such a character as shall enable the successful applicants to enter any high school in the county in which the applicant resides or in any adjoining county in which said applicant desires to attend such high school, and such applicant shall be examined in the county in which such high school is situated, and the tuition of such applicant may be paid by board of education of the township in which such applicant resides.

Examinations  
in subdistricts  
and special dis-  
tricts.

Sec. 2. To each successful applicant who shall deliver an oration or declamation, or read an essay in some public place provided by the clerk of the township board of education, a diploma shall be formally presented on the first Saturday of June next after the examination of such successful applicant, in the county seat of the county in which such examination was held, or some other suitable place in the county to be determined by the board of county school examiners at the conclusion of the annual address, which

Tuition of suc-  
cessful appli-  
cant.

Diploma.

Annual address.

Direction of  
township com-  
mencement.

address shall be provided by the board of county school examiners. Provided, that the township commencement shall be under the direction of a teacher of the township who shall have been appointed to that duty by the clerk of the township board of education.

Repeals.

SECTION 2. Said original sections 1 and 2, passed March 22, 1892, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.

67G

[Senate Bill No. 168.]

## AN ACT

To amend section 6454, Revised Statutes of Ohio, as amended February 6, 1894.

Criminal:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6454, as amended February 6, 1894, be amended so as to read as follows:

Concurrent ju-  
risdiction of  
probate court.

Sec. 6454. The probate court shall have concurrent jurisdiction with the court of common pleas in all misdemeanors and all proceedings to prevent crime in the following counties: Adams, Allen, Ashland, Ashtabula, Athens, Belmont, Brown, Butler, Carroll, Clermont, Clinton, Columbiana, Coshocton, Crawford, Darke, Defiance, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Warren, Washington, Wayne, Williams, Wood and Wyandot.

Repeals.

SECTION 2. That said original section 6454, Revised Statutes of Ohio, as amended February 6, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 14, 1894.

68G

## [Senate Bill No. 179.]

## AN ACT

To amend sections 6047 and 6049 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 6047 and 6049 of the Revised Statutes of Ohio be and the same are hereby amended so as to read as follows:

Executors and administrators:

Sec. 6047. If any executor or administrator shall neglect or refuse to return such inventory within three months after his appointment, the probate court shall issue an order requiring such executor or administrator, at a short day therein named, to return an inventory according to law.

Order requiring return of inventory.

Sec. 6049. If, after personal service of such order by an officer or person authorized to make the service, such executor or administrator, by the day appointed, does not return such inventory under oath or fails to obtain further time from the court to return the same, or if such order can not be served personally by reason of such executor or administrator absconding or concealing himself, the court may remove him and new letters shall be granted, as provided in section 6017.

Removal for failure, etc., and granting of new letters.

SECTION 2. That said original sections 6047 and 6049 be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 14, 1894.

69G

## [House Bill No. 314.]

## AN ACT

To amend section 3898, Revised Statutes of Ohio, as amended March 21, 1887 (84 vol., 184, 185).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3898 of the Revised Statutes of Ohio, as amended March 21, 1887 (84 v. 184, 185), be and the same is hereby amended so as to read as follows:

School districts:

Sec. 3898. In each city district of the first class, and not of the first or second grade, the board of education shall consist of two members from each ward, except in city districts organized under a law providing for one member only for each ward, in which districts the board may, at any time, by a vote of the majority of all its members, provide that thereafter each ward shall be represented

Board of education in city districts of the first class, except first and second grades.

by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall be an elector of the ward for which he is elected or appointed; and at every annual election for city officers in a city which constitutes districts of the first class, wherein the board consists of two members for each ward, there shall be elected in each ward, by the qualified electors thereof, one judicious and competent person to serve as a member of the board of education of the districts for two years, from the third Monday of April succeeding his election, and until the election and qualification of his successor; provided, that at the annual election for city officers, held first after a city has been constituted a city district of the first class, with a board to consist of two members from each ward, there shall be elected in each ward of such city, by the qualified electors of such ward and of said district entitled to vote in such wards, two persons of the required qualifications to serve as members of the board of education of such districts, one for one year and the other for two years from the third Monday of April succeeding their election, and until the election and qualification of their successors; and provided, that any elector residing in such district, but not in any ward of such city, shall, if the territory containing his residence has not been attached to any ward for school purposes, as provided in section thirty-nine hundred be entitled to vote for members of the school board in the ward nearest his residence; and in such case a separate ballot-box and poll-book shall be provided and used, as required in section thirty-nine hundred and two, in each ward where any such elector may be entitled to vote; when the board of education in such city district of the first class consists of as many members as there are wards, there shall be elected at the annual election for city officers in the year eighteen hundred and eighty, and every two years thereafter, in each ward designated by an even number, and in the year eighteen hundred and eighty-one, and every two years thereafter in each ward designated by an odd number by the qualified electors thereof, one member of the board, who shall hold his office for two years, and until the election and the qualification of his successor. Provided, that in any such city which has been, or may be, redistricted for election purposes, by whomsoever or howsoever such redistricting may be made, such redistricting shall not affect the term of the members of the board of education then in office, but each of said members shall serve the full term for which he was elected, and shall be the member, in said board, for the remainder of the term for which he was elected, of the ward in which he resides, after such redistricting is made, if such ward shall be a part or the whole of the ward in which he was elected; at the annual election for city officers occurring next after such redistricting

City redistricted  
for election purposes.

has been, or may be, had, a member shall be elected for each ward created by such redistricting in which a member does not hold over as above provided. The members chosen at such election from wards entitled to elect members for a term of two years shall serve for such period and until their successors, who shall also be elected for a similar term, are elected and qualified. The members chosen at such election from wards not entitled at such election to choose members for a term of two years, shall serve for one year, at the expiration of which term a successor shall be elected for each of said members to serve for a period of two years, and until his successor, who shall be elected for a term of two years, is elected and qualified. Any ward which, but for the holding over of a member, as above provided, would elect a member at the annual election for city officers occurring next after the redistricting of any such city, for a term of two years, shall, at the expiration of the term of such holding over member, elect a member for the term of one year, but the successor of any member so elected for one year, shall each be chosen for a term of two years and until his successor is elected and qualified.

SECTION 2. That said section 3898 as amended March 21, 1887, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 14, 1884.

70G

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[House Bill No. 28.]

### AN ACT

To amend section 2658 of the Revised Statutes of Ohio as amended March 8, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2658 of the Revised Statutes of Ohio, as amended March 8, 1892, be amended so as to read as follows: Streets:

Sec. 2658. The council of any municipal corporation may require each male person between the ages of twenty-one and fifty-five years, able to perform or cause to be performed the labor herein required, resident of the corporation, or territory attached as in this subdivision provided, to perform by himself, or substitute, in each year, two days' labor upon the streets and alleys of such corporation, or upon the public roads or highways that lie within such attached territory, which labor shall be in lieu of the two Labor upon streets, etc.; who liable.

**Exemptions.** days' labor required to be performed upon roads and highways; provided, that active members, not exceeding sixty-four, of volunteer engine companies, active members, not exceeding thirty, of hook and ladder companies and active members, not exceeding twenty, of hose companies shall be exempt from the performance of such labor during such membership, and having served faithfully as such for five consecutive years, shall be exempt for five years thereafter.

**Certificates to exempt.** Provided, that when the duly kept minutes of any of the above named companies show that the members thereof are entitled to the foregoing exemptions, the chief or foreman of such company or companies shall issue to all such members a certificate signed also by the secretary of said company or companies. All members holding such certificates shall file the same with the clerk of such municipal corporation on or before the first Monday in April of each year.

**Commutation.** And provided further, that such labor may be commuted by the payment of three dollars, to be expended where the labor would have been supplied.

**Repeals.** SECTION 2. That said section 2658 of the Revised Statutes as amended March 8, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
 71G

[House Bill No. 123.]

## AN ACT

To amend sections 4988 and 4991 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4988 and 4991 of the Revised Statutes be so amended as to read as follows:

Time of commencing actions:

When attempt equivalent to commencement; service in such case.

Service upon corporation, passing into hands of receiver.

Sec. 4988. An attempt to commence an action shall be deemed equivalent to the commencement thereof, within the meaning of this chapter, when the party diligently endeavors to procure a service; but such attempt must be followed by service within sixty days. And if the defendant is a corporation, whether foreign or created under the laws of this state, and whether the charter thereof prescribes the manner and place, or either, of service of process thereon, and such corporation passes into the hands of a receiver before the expiration of said sixty days, then service following such attempt to commence the action may, within said sixty days, be made upon such receiver, or his cashier, treasurer, secretary, clerk or managing agent, or if none of the afore-

said officers can be found, by a copy left at the office or usual place of business of such agents or officers of such receiver with the person having charge thereof; and if such corporation is a railroad company, summons may be served upon any regular ticket or freight agent of said receiver, and if there is no such agent, then upon any conductor of said receiver, in any county in the state in which such railroad is located, and the summons shall be returned as if served upon said defendant.

Railroad company.

Sec. 4991. If, in an action commenced, or attempted to be commenced, in due time a judgment for the plaintiff be reversed, or if the plaintiff fail otherwise than upon the merits, and the time limited for the commencement of such action has, at the date of such reversal or failure, expired, the plaintiff, or, if he die and the cause of action survive, his representatives may commence a new action within one year after such date, and this provision shall apply to any claim asserted in any pleading by a defendant. And if the defendant is a corporation, whether foreign or created under the laws of this state, and whether the charter thereof prescribes the manner and place, or either, of service of process thereon, and such corporation passes into the hands of a receiver before the expiration of said year, then service to be made within said year following such original service or attempt to commence the action may be made upon such receiver or his cashier, treasurer, secretary, clerk or managing agent, or if none of the aforesaid officers can be found, by a copy left at the office or usual place of business of such agents or officers of such receiver with the person having charge thereof, and if such corporation is a railroad company, summons may be served upon any regular ticket or freight agent of said receiver, and if there is no such agent, then upon any conductor of such receiver, in any county in the state in which such railroad is located, and the summons shall be returned as if served upon said defendant.

Saving in case of reversal, etc.

Service upon corporation passing into hands of receiver

Railroad company.

SECTION 2. That said sections 4988 and 4991 are hereby repealed.

Repeals.

SECTION 3. This act shall apply to all cases now pending, as well as to those hereafter to be commenced.

Application of act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.



[House Bill No. 136.]

## AN ACT

To amend section 9 of an act entitled "An act to reorganize and change the name of the Ohio agricultural and mechanical college and to repeal certain acts therein named," passed May 1, 1878.

Ohio state university:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 9 of an act entitled "An act to reorganize and change the name of the Ohio agricultural and mechanical college and to repeal certain acts therein named," passed May one, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Compensation of president, professors, teachers, etc.

Sec. 8447. That said board of trustees shall fix the compensation for the president, professors, teachers and all other employes of the university; provided, that the compensation for the services of the professors shall not exceed twenty-five hundred dollars each per annum.

Repeals.

SECTION 2. That said original section nine of said act of May one, one thousand eight hundred and seventy-eight, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.

73G

[House Bill No. 282.]

## AN ACT

Making appropriation to pay company G, 3d regiment of infantry, Ohio national guard, and company I, 3d regiment of infantry, Ohio national guard, per diem and subsistence, when called into service by the sheriff of Montgomery county, Ohio.

Appropriations for Cos. G and I, 3d regiment infantry, Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of three hundred and eighty-one dollars and ten cents (\$381.10) to pay the officers and enlisted men of company G, 3d regiment of infantry, Ohio national guard; also the sum of three hundred and eighty-three dollars and ten cents (\$383.10) to pay the officers and enlisted men of company I, 3d regiment of infantry, Ohio national guard, per diem and subsistence, when called into service by the sheriff of Montgomery county, Ohio, to suppress a riot and preserve the peace, on the 21st day of July, 1893.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
 74G

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[House Bill No. 306.]

### AN ACT

**Making appropriations for the Ohio state university.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the Ohio state university fund, not otherwise appropriated, for the last three quarters of the fiscal year ending November 15, 1894, and the first quarter of the fiscal year 1895, the sum of eighty-seven thousand (\$87,000) dollars; and for the last three quarters of the fiscal year ending November 15, 1895, and the first quarter of the fiscal year 1896, the sum of ninety thousand (\$90,000) dollars, or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university, in accordance with the provisions of section 8951 of the Revised Statutes, as amended March 20, 1891 (O. L., 88, p. 159).

Appropriations  
 for Ohio state  
 university.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
 75G

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[House Bill No. 316.]

### AN ACT

**For the prevention of blindness in the state of Ohio.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That should one or both eyes of an infant become inflamed or swollen, or show any unnatural discharge at any time within ten (10) days after its birth, it shall be the duty of the midwife, nurse or relative having charge of such infant to report in writing within six (6) hours to the physician in attendance upon the family, or, in the absence of an attending physician, to the health-officer

Report of inflammation or swelling in eyes of infant, or unnatural discharges therefrom.

of the city, village or township in which the infant is living at that time, or, in case there is no such officer, to some practitioner of medicine legally qualified to practice in the state of Ohio, the fact that such inflammation, swelling or unnatural discharge exists.

Penalty for failure to report.

SECTION 2. Any failure to comply with the provisions of this act shall be punished by a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100), or imprisonment for not less than thirty (30) days nor more than six (6) months, or both fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.

76G

[House Bill No. 543.]

## AN ACT

To amend section 1718 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1718 of the Revised Statutes be amended so as to read as follows:

Officers of cities,  
etc. :

Sec. 1718. In municipal corporations divided into wards, an assessor shall be elected in each ward at every annual election. He shall take the same oath, give the same bond and perform the same duties as are provided with respect to township assessors. Provided, that in any township, composed in part of a municipal corporation or municipal corporations, the county commissioners may, by order entered on their journal, constitute the territory outside such municipal corporation or corporations one or more assessor districts, in each of which an assessor shall be elected, annually, in accordance with law. Provided, also, that nothing herein shall interfere with the duties now devolving upon deputy state supervisors of elections.

Election, oath,  
bond and duties  
of assessors.

Assessor districts in certain townships.

Duties of deputy supervisors.

SECTION 2. That section 1718 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.

77G

[House Bill No. 598.]

## AN ACT

To further supplement section 1708 of the Revised Statutes of Ohio as heretofore supplemented by enacting section 1708c.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio*, That section 1708 of the Revised Statutes as supplemented, be further supplemented by enacting supplementary section 1708c as follows:

Supervising accountant in Toledo:

**Sec. 1708c.** In cities of the third grade of the first class, the supervising accountant, appointed without confirmation by council as authorized by supplementary section 1708b of the Revised Statutes, passed February 27, 1894, shall be and is hereby authorized in the name of such city to contract with the written approval of the mayor for all necessary books of account and blanks, for his use in the discharge of the duties of his office, and for the several boards, divisions and departments of such city to put into successful operation any improved system for keeping the accounts of such city; any such contract shall be at prices not in excess of ruling wholesale rates, and such a contract may also be made for the payment of not to exceed one thousand dollars for royalty for the permanent use by any such city of any copyrighted or patented system of account-books; and all supplies so purchased and all contracts so made by said supervising accountant shall be paid out of the general fund of said city, and the provisions of section 2702 of the Revised Statutes shall not apply thereto. Any officer of said city who refuses to accept, adopt and use the method or system of accounts and the books of account and blanks in accordance with the provisions hereof, and of said supplementary section 1708b of the Revised Statutes shall be subject to the penalty named in supplementary section 1720b of the Revised Statutes, and other penalties provided by law; and all provisions of law inconsistent herewith, or with said supplementary section 1708b, are hereby declared void as to such inconsistency, but not otherwise.

Improved system for keeping accounts.

**SECTION 2.** This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 16, 1894.

78G

[House Bill No. 568.]

## AN ACT

To amend section 568 of the Revised Statutes of Ohio.

Justices of the peace :

Increase or decrease in number in township.

When part of township attached to another; Cuyahoga county.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 568 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 568. When it is made to appear to the satisfaction of the probate judge of the proper county, that there is not a sufficient number of justices of the peace in any township thereof, and, also, that public notice had been given in such township that application would be made for an additional number of justices of the peace, the court is authorized to add one or more justices to such township, as seems just and proper and the trustees shall give notice to the electors of such township to elect such justice or justices so added, agreeably to the provisions of section five hundred and sixty-seven; and when it is made to appear to the court aforesaid, that it is expedient to decrease the number of justices in any township, the court is authorized to restrict the number as it judges proper; but no justice may be deprived of his commission until the expiration of the term for which he was elected; and, except in counties containing a city of the second grade of the first class, if a part of any township is attached to another township, the justices of the peace residing in the limits of that part of the township so attached, as aforesaid, shall execute the duties of their office in the township to which the same is attached, in the same manner as if they had been elected for such township.

SECTION 2. Said original section 568 is hereby repealed and this act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 19, 1894.

79G

[House Bill No. 105.]

## AN ACT

To make appropriation to pay the principal and interest on the public debt and interest on the irreducible debt, and expense of the sinking fund commission.

Appropriations for payment :

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For pay-

ment of the principal of the funded debt due July 1, 1894, and July 1, 1895, five hundred thousand (\$500,000) dollars; for payment of interest on the funded debt, ninety-two thousand seven hundred and ninety-one dollars and fifty-nine cents (\$92,791.59), or so much thereof as may be necessary to pay the interest falling due July 1, 1894, and January 1, 1895, and July 1, 1895, and January 1, 1896; for the interest on the irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, four hundred forty-five thousand (\$445,000) dollars; for the expenses of the commissioners in paying the loan and interest due July 1, 1894, and January 1, 1895, and July 1, 1895, and January 1, 1896, nine hundred and fifty (\$950) dollars; for payment of the expenses of the commissioners of the sinking fund, including salary of clerk, twenty-five hundred (\$2,500) dollars.

Principal of  
funded debt.

Interest on  
funded debt.

Interest on irre-  
ducible debt.

Expenses of  
commissioners  
and salary of  
clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
80G

[House Bill No. 179.]

### AN ACT

To amend section 1 of an act entitled "An act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting-houses, burying-grounds or residence for preachers," passed January 3, 1825 (S. & B. statutes 8516—68).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting-houses, burying-grounds or residence for preachers," passed January 3, 1825, be amended so as to read as follows:

Religious so-  
cieties:

Sec. 1. That all lands and tenements not exceeding twenty acres that have been or hereafter may be conveyed by devise, purchase or otherwise to any person or persons as trustee or trustees in trust for the use of any religious society within this state, either for a meeting-house, burying-ground or residence for their preacher, shall descend, with the improvement and appurtenances, in perpetual succession, in trust to such trustee or trustees as shall from time to time be elected or appointed by any such religious society, according to the rules, customs, usages and regulations of such society respectively.

Lands and tene-  
ments to de-  
scend in trust

Repeals.

SECTION 2. That said section 1 of said original act entitled "An act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting-houses, burying-grounds or residence for preachers," passed January 3, 1825, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
81G

[House Bill No. 162.]

### AN ACT

To amend section 1137 of the Revised Statutes of Ohio.

County recorder:

Election and term.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1137 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1137. There shall be elected triennially, in each county, a county recorder, whose term of office shall be three years, beginning on the first Monday of September next after his election.

SECTION 2. That said original section 1137 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 21, 1894.  
82G

[House Bill No. 255.]

### AN ACT

To amend section 7285 of the Revised Statutes.

Evidence:

Effect of criminal testimony on behalf of the state as to certain offenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7285 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Sec. 7285. If a person called to testify on behalf of the state before any justice of the peace, grand jury or court, upon complaint, information or indictment, for any offense defined in sections sixty-nine hundred and thirty-

two, sixty-nine hundred and thirty-three, sixty-nine hundred and thirty-four, sixty-nine hundred and thirty-five, sixty-nine hundred and thirty-six, and in section[s] one (1) and three (3) of an act to prevent certain persons from entering places where intoxicating liquors are sold or offered for sale, passed April 28, 1891 (vol. 88, page 409-10), disclose any fact tending to criminate himself in any matter made punishable by said sections, he shall thereafter be discharged from all liability to prosecution or punishment for such matter of offense; and a person to whom intoxicating liquor has been sold in violation of law, shall be a competent witness to prove such fact, or any other fact tending thereto.

Witness to  
whom intoxicat-  
ing liquor un-  
lawfully sold.

SECTION 2. Section 7285 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.

83G

[House Bill No. 273.]

## AN ACT

To authorize the governor to convey certain lands in Defiance county, Ohio, to Peter Kuhn.

WHEREAS, On and for some time prior to the 20th day of April, 1877, Peter Kuhn and Jacob Ulrich were the owners in fee simple of the following described premises, to wit: All in that part of lots numbered one hundred and twenty (120), one hundred and twenty-one (121), one hundred and twenty-two (122), and one hundred and twenty-three (123), on the original plat of the town (now city) of Defiance, in the county of Defiance, and state of Ohio, lying on the westerly side of the Miami and Erie canal, save and except so much thereof as was then in use as a towing-path along the said westerly bank of said canal; and

Preamble.

WHEREAS, On the said 20th day of April, 1877, the said Peter Kuhn and the said Jacob Ulrich, in consideration of a certain lease to them for the period of thirty years of certain water privileges in connection with the use of the said premises, and of said premises, for such term by the board of public works of the state of Ohio, executed in due form of law their deed of conveyance wherein and whereby the said Peter Kuhn and the said Jacob Ulrich conveyed the said premises to the state of Ohio, which deed of conveyance is duly recorded in volume 44, on page 169, in the record of deeds of said county; and



WHEREAS, A short time after the execution of the said deed of conveyance, the said board of public works, being unable to furnish the water privileges provided for in the said lease canceled the same, leaving the title and the said premises in the state of Ohio with no power under the laws of said state to reconvey the same to the said Peter Kuhn and Jacob Ulrich; and

WHEREAS, Afterwards, on the 7th day of August, 1888, the said Jacob Ulrich, by his deed in writing of that date executed in due form of law, remised, released, and forever quit claimed to the said Peter Kuhn and to his heirs and assigns forever, all his right, title and interest in and to said premises; and

WHEREAS, The said Peter Kuhn is now in the use and occupancy of said premises, and save and except any claim thereon or interest therein of the state of Ohio, is the sole owner of all said premises in fee simple, and entitled to have and to hold the same, with the appurtenances thereunto belonging, unto himself, his heirs, executors and administrators forever; now, therefore,

Deed to Peter  
Kuhn.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of said state be and he hereby is authorized and empowered, upon satisfactory proof to him of the truth of the several recitals in the foregoing preamble, to make, execute, sign, seal, and deliver to the said Peter Kuhn a deed of conveyance therein and thereby conveying to the said Peter Kuhn, and to his heirs, executors, administrators and assigns forever, any and all right, title or interest of the state of Ohio in and to said premises, to wit: All of lots numbered one hundred and twenty (120), one hundred and twenty-one (121), one hundred and twenty-two (122), and one hundred and twenty-three (123), on the original plat of the town (now city) of Defiance, in the county of Defiance, and state of Ohio, lying on the westerly side of the Miami and Erie canal, save and except so much thereof as is in use as a towing-path along the westerly bank of said canal.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.

84G

[House Bill No. 305.]

## AN ACT

To supplement section 1225 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1225 of the Revised Statutes of the state of Ohio be and the same is hereby supplemented with sectional numbering, as follows:

Coroner :

Sec. 1225a. In counties containing a city of the first grade or second grade of the first class if the body on which such inquest is held is not claimed by relatives or friends for burial, or by any medical college or society for dissection, as provided by law, it shall be the duty of the coroner of such county to cause such body to be properly buried, and the expense of such burial shall be paid in the same manner and out of the same fund as the other expenses of such inquest are now provided to be paid.

Burial of body  
in Cuyahoga and  
Hamilton coun-  
ties.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.

85G

[House Bill No. 307.]

## AN ACT

To amend section 3784 of the Revised Statutes, as amended April 21, 1890..

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3784 of the Revised Statutes, as amended April 21, 1890, be amended so as to read as follows:

Religious and  
other societies :

Sec. 3784. When a presbytery, synod, conference, diocesan convention or other representative body of any religious denomination in this state, or when an assembly, synod, conference, convention or other general ecclesiastical body of any religious denomination held in the United States desires to create a board of trustees for any endowment fund or other property of the denomination represented by such body, and, at any regular meeting of such presbytery, synod, conference, diocesan convention or other representative body of such denomination in this state, or of such assembly, synod, conference, convention or other general ecclesiastical body in the United States, elects not less than five members of such denomination, one of whom shall be a resident freeholder in this state, to serve as trustees, and makes and files in the office of the secretary of state a statement, giving the names of such trustees, the character of the endowment fund or other property to be intrusted to their care, and the uses to which it is to be

Endowment  
fund corpora-  
tions.

applied, signed by the proper presiding officer and the secretary or clerk of such body, acknowledged before a clerk of a court of record, notary public or a judicial officer having a seal, and the signing of the same is duly attested by such officer, and the statement thus authenticated is recorded in the office of the secretary of state, the persons named in such statement as trustees shall, thereupon, with their successors in office, become a body corporate and politic for the purpose in such statement specified; and a copy of such record, duly certified by the secretary of state, shall be evidence of the existence of such corporation.

Repeals, etc.

SECTION 2. That section 3784, as amended April 21, 1890 (vol. 87, p. 243), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate*

Passed March 21, 1894.

86G

[House Bill No. 367.]

## AN ACT

To amend section 2 of an act passed April 5, 1888 (O. L., v. 85, p. 158), entitled "An act to amend sections 1, 2, 3 and 4 of an act entitled 'an act to amend sections 1, 2 and 3 of an act entitled an act to provide for the relief of indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent or deceased union soldiers, sailors and marines,' passed March 4, 1887, as amended April 15, 1889; and to amend section 4 of an act passed May 19, 1886 (O. L., v. 83, p. 232), passed March 16, 1887 (O. L., v. 84, p. 100), as amended March 27, 1889, and April 15, 1889," as amended April 28, 1890 (O. L., vol. 87, p. 352).

Relief of indigent soldiers, etc.:

Township and ward soldiers' relief committees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the above recited act be amended to read as follows:

Sec. 2. It is hereby made the duty of the soldiers' relief commission hereinafter provided, in each county in this state, as soon as practicable after the passage of this act, and annually thereafter on the first Monday in January in each year, to appoint for each township, in such county, and for each ward in any city in any such county, a soldiers' relief committee, consisting of three persons, residents of each such township and ward, who shall be honorably discharged union soldiers, sailors or marines; provided, that if there are no such soldiers, or sailors or marines who are residents of any such township or ward, then there shall be appointed three reputable citizens, one of whom shall be designated as chairman of such township or ward soldiers' relief committee; and to fill all vacancies that may occur in any such committee, and to remove any member of any such committee for cause; and provided further, that in any

township or ward where there is located a post of the grand army of the republic, said township or ward committee shall be appointed on the recommendation of said grand army post; and it shall be the duty of each such township and ward soldiers' relief committee, in its respective township or ward, to receive all applications for relief, under the provisions of this act, from applicants residing in such township or ward, to examine carefully into the case of each applicant, and on the first Monday in May in each year to make a list of the names of all indigent union soldiers, sailors and marines, and the indigent parents, wives, widows and minor children of the same, including widows of such union soldiers, sailors and marines who have remarried, but again have become indigent widows, who are residents in such township or ward, who have been bona fide residents of the state one year, and of the county six months, next prior to said first Monday in May, and who, in the opinion of any such township or ward relief committee, require aid and are entitled to relief under the provisions of this act; and it shall be the duty of the chairman of each township and ward soldiers' relief committee, or other member of such committee authorized by such committee, to deliver such list to the soldiers' relief commission, hereinafter provided, or its secretary, on or before the last Monday in such month of May, together with a statement of each applicant for relief, of the income, if any, of the applicant, the amount of taxable property, real and personal, of stocks, bonds, moneys on hand, loaned or deposited in any bank or elsewhere, shares in building associations, mortgages, notes or other articles of value from which an income or revenue is derived by the applicant; said statements shall be made upon blanks which shall be furnished by the soldiers' relief commission, and shall be subscribed by the applicant; and in case any false statement is made therein by any applicant for relief, or guardian for such applicant, such applicant or guardian shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined in any sum not exceeding fifty dollars nor less than twenty dollars, and be imprisoned in the county jail for a period not exceeding sixty days nor less than thirty days. And on said last Monday in May said commission shall meet and determine from said lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, together with an amount sufficient, in the judgment of said commission, to furnish relief to any such indigent persons not named in said lists, whose right to such relief shall be established to the satisfaction of such commission. Such commission, after determining the probable amount necessary for the purposes aforesaid, shall certify the same to the county commissioners of the county, who, at their June session, shall make such levies as shall be necessary to raise the required relief, not exceeding three-tenths, except in counties containing a national soldiers' home not exceed-

Applications  
for relief.

Annual list of  
persons entitled  
to relief.

Delivery of such  
list and state-  
ments of appli-  
cants.

Penalty for false  
statement by  
applicant or  
guardian.

Determination  
of amount nec-  
essary for relief.

Certification of  
same; levies  
therefor.

ing five-tenths of a mill per dollar on the assessed value of the property of the county.

Repeals, etc.

SECTION 2. That said original section 2 of an act, as amended April 28, 1890 (Ohio laws, vol. 87, page 352), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 21, 1894.

87G

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[House Bill No. 23.]

### AN ACT

To amend section 5243 of the Revised Statutes.

Evidence:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5243 of the Revised Statutes of Ohio be so amended as to read as follows:

Cross-examination of party.

Sec. 5243. A party may be examined as if under cross-examination, at the instance of the adverse party, either orally, or by deposition, as any other witness; but the party calling for such examination shall not be concluded thereby but may rebut it by counter-testimony.

Repeals, etc.

SECTION 2. That section 5243 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 22, 1894.

88G

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[House Bill No. 45.]

### AN ACT

To prevent the use of air-guns or other arms or implements by which any hard or dangerous substance is shot, forced or thrown.

Unlawful use of air-guns, etc.; penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person to shoot, force or throw, by the means of any air-gun, or other arm or implement of any kind, any lead, iron or other hard substance upon any of the streets, alleys, lanes or public places within the state of Ohio. Any person so offending shall be guilty of a misdemeanor and fined in any

sum not more than twenty-five dollars nor less than one dollar.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
 89G

[Senate Bill No. 238.]

### AN ACT

To amend section 3904 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3904 of the Revised Statutes of Ohio be so amended as to read as follows:

City districts,  
 second class,  
 and village districts:

Sec. 3904. In city districts of the second class, and in village districts, the board of education shall consist of six members, except in districts organized under a law providing for only three members, who shall have the qualifications of an elector therein, and in such districts the membership may be increased to six, in the manner herein-after provided; but the board of a city district of the second class may provide, by a vote of a majority of its members, that the board shall consist of as many members as the city has wards; provided, that in no such city district, the number of members composing such board shall be less than six.

Membership of  
 board of education.

SECTION 2. That said original section 3904 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
 90G

[House Bill No. 454.]

### AN ACT

To amend section 3280 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3280 of the Revised Statutes of Ohio be so amended as to read as follows:

Railroad companies:

Sec. 3280. A company may construct branches from the main line to towns or places within the limits of any

Branches.

county through or into which its road passes, or to a connection with any railroad which is or may be built within this state, or to any coal or other mine, stone-quarry, plastic clay, pottery-clay and fire-clay pits or banks, ore or shale banks, if, at a meeting of the stockholders called for that purpose, the holders of a majority of the capital stock of the company, by a vote, in person or by proxy, so determine; and upon such determination the president and directors shall make and acknowledge a certificate setting forth the facts, and file the same with the secretary of state.

Repeals, etc.

SECTION 2. Said original section 3280 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.

91G

[House Bill No. 489.]

## AN ACT

To amend section 3260 of the Revised Statutes.

Liability of  
stockholders:

Enforcement of  
such liability.

Inability to  
summon stock-  
holders, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3260 of the Revised Statutes be amended to read as follows:

Sec. 3260. A stockholder or creditor may enforce such liability by action jointly against all the holders or owners of stock, which action shall be for the benefit of all the creditors of the corporation, and against all persons liable as stockholders; and in such action there shall be found and determined the amount payable by each person liable as stockholder on all the indebtedness of the corporation, in which adjudication no costs shall be taxed to nor collected of any stockholder to an amount which, together with the amount to be paid on said indebtedness, will exceed the amount of the stock on which he is liable, provided, that in any such action the plaintiff may file in the court a sworn statement that a stockholder or stockholders or the legal representatives of a deceased stockholder have not been summoned, giving their residence if known, and that it is impracticable to secure service of summons upon such stockholders or such legal representatives of a stockholder, and remitting from the claims of the plaintiff or of other creditors consenting, so much as may be found payable by such stockholders not served with summons except those who may be insolvent or non-resident of the state, and judgment shall be rendered against the stockholders who have been served with summons, for the pro rata amount for which they would be liable if all solvent stockholders resi-

dent of the state were served with summons; and when a creditor has prosecuted against a corporation an action of [at] law begun before any action to enforce the stockholders' liability, and has recovered final judgment only after such an action to enforce the stockholders' liability has been prosecuted to a final decree in the court in which the action was commenced, such judgment creditor may bring a like action against the stockholders of the corporation to enforce such judgment at any time within four years after the recovery of his said judgment, but the stockholders shall not be liable for any amount in excess of that provided in section thirty-two hundred and fifty-eight.

Enforcement of  
certain judg-  
ment.

SECTION 2. Said original section 8260 is hereby repealed, and this act shall be in force on and after the day of its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.

92G

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[Senate Bill No. 108.]

### AN ACT

To repeal an act entitled "An act to incorporate the Mutual fire insurance company in the county of Washington."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to incorporate the Mutual fire insurance company in the county of Washington," passed February 5, 1834 (32, O. L., p. 54), be and the same is hereby repealed.

Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.

93G

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[Senate Bill No. 105.]

### AN ACT

To repeal an act entitled "An act to incorporate the Canal insurance company," passed March 10, 1836 (34 O. L., p. 375).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to incorporate the Canal insurance company," passed March 10, 1836 (34, O. L., p. 375), be and the same is hereby repealed.

Repeals.



SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.

94G

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[Senate Bill No. 113.]

### AN ACT

To repeal an act entitled "An act to incorporate the Washington union company," passed January 6, 1851 (49 O. L., p. 171).

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to incorporate the Washington union insurance company," passed January 6, 1851 (49, Ohio laws, p. 171), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.

95G

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[House Bill No. 92.]

### AN ACT

For the relief of Charles Yeiser, corporal in Co. F, 14th regiment, Ohio national guard.

Appropriation  
for Charles  
Yeiser.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and he is hereby authorized and required to issue his warrant on the state treasury to pay to Charles Yeiser, late corporal in company F, 14th regiment, Ohio national guard, living at Columbus, Franklin county, Ohio, the sum of two thousand dollars out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said Charles Yeiser for loss through sickness contracted by him while in the line of duty as required by law, as a member of the Ohio national guard, and resulting from a bullet wound in the forehead during the Cincinnati riot, from which wound and blow the right eye [eyesight] and general health of said Charles Yeiser was and has been impaired. Provided that the adjutant-general of Ohio and his succes-

sors shall be custodian of said fund so appropriated and shall dispense said fund by his warrants upon the auditor of state, at such times and in such amounts as the circumstances and conditions of said Yeiser may seem to justify. At the death of said Yeiser, if there be an unexpended balance of said fund then the same shall be paid in like manner to his widow and heirs at law.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 26, 1894.  
96G

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[House Bill No. 263.]

## AN ACT

To amend section 2745 of the Revised Statutes, as amended April 19, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2745 of the Revised Statutes, as amended April 19, 1893, be and the same is hereby amended so as to read as follows:

Sec. 2745. Every agency of an insurance company incorporated by the authority of any other state or government, shall return to the auditor of each county in which such company does business, or from which it collects premiums on or before the first day of May, annually, the amount of the gross premium receipts of such agency for the previous calendar year in such counties; provided, however, that in the case of regular companies, wherein policy-holders participate in the surplus and earnings of the company, dividends or surplus from previous payments allowed and used in the payment of current premiums, cancelation or surrender values, and commissions paid to the citizens of this state, during the same period for which receipts are reported, shall be deducted from such gross receipts, and the net amount after such deductions shall be the basis of taxation for such companies in the counties, which shall be entered upon the tax list of the proper county, and be subject to the same rate of taxation, for all purposes, that other personal property is subject to at the place where located; and the whole of said tax shall be due and payable on the twentieth day of November next ensuing. And it shall be the duty of the superintendent of insurance, in the month of December, annually, to charge and collect from all such companies such a sum as, added to the sum paid to the county treasuries, will produce an amount equal to two and one-half per cent. on the gross premium receipts of such

Listing personal property:

Return and taxation of gross premium receipts of foreign insurance companies.

companies, as shown by their annual statements, under oath, to the insurance department; provided, however, that if, by the laws of any other state, territory or nation, a larger tax than two and one-half per cent. on such gross premium receipts is charged companies organized under the laws of Ohio, then the superintendent of insurance shall charge a like tax upon companies from such state, territory or nation doing business in this state. If any such company refuse to pay said tax, after demand therefor has been made, or if it shall make any false statement of its gross premium receipts, the superintendent of insurance shall revoke the license of such company to do business in this state. If, at any time, said superintendent has reason to suspect the correctness of the return made of the gross premium receipts of any such company he may, at the expense of the state, make an examination of the books of such company, or of its agents, for the purpose of verifying the same. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the auditor, into the general revenue fund of the state.

Repeals, etc.

SECTION 2. That said section 2745, as amended April 19, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 27, 1894.

97G

[House Bill No. 570.]

## AN ACT

To amend section 4215 of the Revised Statutes of Ohio, as amended April 27, 1893.

Animals:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4215 of the Revised Statutes be amended so as to read as follows:

Statement of  
damages for  
sheep killed or  
injured by dogs.

Sec. 4215. Any person damaged by the killing or injury of sheep by dog or dogs, may present a detailed account of the injury done with damages claimed therefor, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred, and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed, and nature and amount of the injury, and shall make it appear to the satisfaction of the trustees upon the parole testimony of at least two other persons who are freeholders of the neighborhood where the injury was done, that the damage claimed is just and reasonable; and also make it appear that such injury was not caused

Witnesses.

in whole or in part by any animal kept or harbored by him, or by any employe or tenant of the owner upon such owner's premises and that he does not know whose animal committed such injury, or if known, and such account reduced to judgment could not be collected on execution; and the witnesses in such cases, not exceeding two, shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any such claimant or witness; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of the same, such affidavit may be made by such employe or tenant, and the testimony of such employe or tenant, may be received in regard to all matters relating thereto, to which such owner would be competent to testify. The trustees shall hear such claims in the order of their filing, and may allow the same or such parts thereof as they may deem right, and if satisfied that such claim is correct and just, they shall indorse thereon the amount allowed and transmit the same with the testimony so taken, together with the fees due witnesses, over their own official signatures to the county commissioners, in care of the county auditor, who shall enter upon a book to be kept for the purpose, in their order, each claim received; the county commissioners shall at their next regular meeting examine the same, and if found in whole or in part correct and just, order the payment thereof, or such parts as they may have found correct and just, to be paid out of the fund created by the per capita tax on dogs; and such claims as may have been allowed in whole or in part shall be paid at the annual meeting in September; and provided that [if] such fund is insufficient to pay all such claims in full they shall be paid pro rata; and if after paying all such claims at any such session, there remain more than one thousand dollars of such fund, the excess or a part thereof, may be transferred to the school fund and be used for the benefit of the common schools in such county; but in Cuyahoga county so much of the excess as may be required may be appropriated to the payment of the amount authorized by the second section of the act relating to industrial schools or children's homes, passed April 24, 1877; and, provided, further, that in counties having therein a city of the third grade of the first class in which there exists a society "to prevent cruelty to animals," organized under chapter 12, title 2, of the Revised Statutes, the said excess shall be paid over to the treasurer of said society; and provided further that in any county having at the last federal census or which at any subsequent federal census may have a population of not less than 38,000 nor more than 38,100, the county commissioners may examine and pay such claims for sheep killed or injured by dogs at any regular quarterly session of such commissioners; and provided further that in any county having at the last federal census or which at any subsequent federal census may have a population of not less than 33,930 nor more than 33,950 the

Fees of witnesses.

Oath of claimant and witness.

Employe or tenant.

Hearing, allowance, indorsement, transmission and record of claims.

Examination and order for payment.

Payment.

When fund insufficient; transfer of excess.

Cuyahoga county.

Lucas county.

Richland county.

Fairfield county.

Blanks for  
accounts, affi-  
davits and testi-  
mony.

said excess shall be paid annually over to the treasurer of the agricultural society of said county to be expended by said society in the payment of its present existing indebtedness; all accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of the state, and which blanks shall be furnished by the county commissioners.

Repeals.

SECTION 2. That section 4215, as amended April 27, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.

98G

[House Bill No. 414.]

## AN ACT

To provide for the government of the Ohio hospital for epileptics, and to amend and supplement section 1526 of the Revised Statutes.

Ohio hospital  
for epileptics.

Board of trustees.

Administrative  
force, medical  
skill and con-  
duct of hospital.

Who admissible  
as inmates.

Apportionment.

Pay-patients.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the asylum for epileptics and epileptic insane, now in process of erection at Gallipolis, shall be known and designated as the Ohio hospital for epileptics. The erection of said hospital, and its control and management, shall be in the hands of a board of five trustees, appointed by the governor, with the advice and consent of the senate, according to the laws governing the appointment of trustees of other benevolent institutions of this state.

SECTION 2. The board of trustees shall provide such administrative force and medical skill as in their opinion the best interests of the institution may require, and shall conduct the hospital in accordance with the laws in force regulating other benevolent institutions of the state, so far as the same may be applicable.

SECTION 3. All insane persons who are also epileptic, and whose disease has developed during their residence in this state, together with all epileptic persons who have been residents of the state of Ohio for one year next preceding application for admission, shall be considered admissible as inmates of this institution; the number of inmates to be apportioned among the several counties of the state according to their population.

SECTION 4. Nothing herein contained shall be construed to prohibit the admission as inmates of persons not residents of Ohio, or pay-patients from Ohio, if there be

accommodation for them, upon the payment of such sums and upon such terms as the trustees may determine; and the money so received shall be paid over to the steward, receipted for by him, and by him certified into the state treasury to the credit of the general revenue fund; and the steward shall make a correct record of all such moneys received by him in a book which shall be open for public inspection.

Money received  
from such  
patients.

SECTION 5. In the year 1894, and every fourth year thereafter, the trustees shall cause an enumeration to be made of all persons afflicted with epilepsy who are residents of Ohio. Such enumeration shall include a listing of the age, sex, race, general mental and physical condition, residence, whether under the charge of a guardian or parents, and, where known, the cause and duration of the epileptic condition, and such other facts as the trustees may require. The board of state charities, superintendents of state institutions, probate judges, county auditors and superintendents of infirmaries are required to furnish such information with respect to epileptic persons as the trustees may require to complete such enumeration. Blanks for transmitting such information shall be furnished to the officers named by the trustees, or the manager of the hospital.

Enumeration of  
epileptics.

SECTION 6. The manager of the hospital shall, on the fifteenth day of each month, inform the probate judge of each county in the state of the quota of patients to which such county is entitled, and the number in the hospital from said county, said quota to be apportioned among the several classes of epileptics, in such manner as may be deemed by the trustees for the best interests of the state. The form of application shall provide for a statement of the information required in the enumeration above referred to, together with such other facts as the trustees may see fit to require, and also a certificate of a reputable physician that the applicant is admissible under the requirements of the board of trustees and is free from any infectious or contagious disease, and from vermin. All persons described in section 3 of this act, who have been or may hereafter be admitted into the hospital, shall be maintained therein at the expense of the state, except as provided in section 631 of the Revised Statutes.

Monthly state-  
ment to probate  
judge.

Form of appli-  
cation.

Maintenance of  
patients.

SECTION 7. In the case of epileptic insane or epileptics whose being at large is dangerous to the community, like proceedings shall be had, and like powers by officers charged with duties in the premises exercised, with respect to the commitment and conveyance of such epileptic insane or dangerous epileptics to the hospital, and the care and custody of such patients while there, and their discharge therefrom, as is provided in chapter 9, title 5, part I, of the Revised Statutes, regulating the care of the insane.

Insane or dan-  
gerous epilep-  
tics.

Epileptics other  
than insane or  
dangerous.

**SECTION 8.** In the case of epileptic persons, other than insane or dangerous epileptics, written application for admission shall first be made by such person, or his or her parent, guardian or representative, to the probate court of the county of which the epileptic is a resident. In case such epileptic has no parent, guardian or representative, any citizen may make application on his behalf to the probate judge for admission to the hospital. When such application is filed, the probate judge shall, on the day fixed by him, which shall be not more than five days after the application has been filed, examine and inquire whether the alleged epileptic is a suitable person for admission into said hospital, and for such purpose may subpoena witnesses, and shall subpoena a reputable physician and may, if necessary, issue his warrant commanding the alleged epileptic to be brought before him; provided, that if it is deemed unsuitable to bring the alleged epileptic into the probate court, the probate judge shall personally visit said person and certify that he has so ascertained the condition of the person by actual inspection, and the other proceedings may then be had in the absence of such person. At the time appointed, unless for good cause the investigation is postponed, the judge shall proceed with the examination, and if he is satisfied that the person alleged is an epileptic and a suitable person for treatment at the hospital, he shall cause a certificate to be made out by the medical witness in attendance, setting forth the facts enumerated in section 5 hereof, and any other facts required in such statement by the board of trustees, and is free from any infectious or contagious disease and from vermin. The probate judge shall transmit the application, with the accompanying papers, including the certificate of the physician, to the manager of the hospital for epileptics, who shall advise the probate judge whether the patient can be received, and if so, at what time. If advised that the patient can be received, the probate judge shall see that the patient is supplied with the proper clothing, and if not otherwise furnished, he shall furnish such clothing, as provided in section seven hundred and six of the Revised Statutes, and shall take the necessary steps for the conveyance of the patient to the hospital, as provided in section seven hundred and five of the Revised Statutes; provided, that if the probate judge is satisfied that the patient can travel to the hospital alone, he may issue the warrant for conveyance direct to the patient, and such warrant, receipted, shall be returned by the manager through the mail; or, if the probate judge deems it proper to entrust the conveyance of the patient to his parent, guardian, representative or friend, he may issue the warrant to such parent, guardian, representative or friend, instead of to the sheriff. The expenses of the clothing of patients, if not paid by themselves or those having them in charge, shall be paid by the counties, and, if furnished by the institution, may be collected from the

Expenses of  
clothing of  
patients.

counties, as provided in section six hundred and thirty-two of the Revised Statutes. The traveling and incidental expenses of the patient and also of the officer or other person or persons in charge of said patient, to and from said institution shall be paid by the institution. The fees of the probate judge, physician and other officers, witnesses and persons, growing out of the admission of a patient to the hospital, shall be paid to the same amount, and in the same manner as are similar fees when earned in connection with the commitment of an insane person to a state asylum. Provided that, if at any time it is desirable to transfer any patient from any state hospital to the Ohio hospital for epileptics, such patient may be transferred upon the order of the governor, upon the recommendation of the medical superintendent of such state hospital and the manager of the Ohio hospital for epileptics.

Traveling and incidental expenses.

Fees of probate judge, physician, witnesses, etc.

Transfer of patient from other state hospital.

SECTION 9. The board of trustees are empowered to make such rules and regulations respecting the care, custody, discipline and discharge of patients, as they may deem best for the interests of the patients and the state. All persons admitted to the hospital as patients shall, until properly discharged from the hospital, be under the custody and control of the manager of such institution; and the manager may, subject to such regulations as the trustees see fit to adopt, restrain and discipline any patient in such manner as he may judge is demanded for the welfare of the patient and the proper conduct of the institution.

Care, custody, discipline, discharge, etc., of patients.

SECTION 10. Section 1526 of the Revised Statutes be amended so as to read as follows:

Assessor:

Sec. 1526. Each assessor, at the time of taking a list of property for taxation in the year one thousand eight hundred and eighty-two, and every fourth year thereafter, shall take an enumeration of all deaf and dumb, blind, epileptic and epileptic insane, insane and idiotic persons, whose usual place of residence is in any family, jail or infirmary in his township or precinct, on the day preceding the second Monday of April, together with their names in full, their age, sex, race, residence, whether in charge of parents or guardian, and, where known, the cause and duration of their muteness, blindness, epilepsy, insanity or idiocy; and he shall make out a list of said deaf and dumb, blind, epileptic and epileptic insane, insane and idiotic persons, designating those of each class, and the names of their parents or guardians, and post-office address, and he shall return the same to the county auditor, on or before the third Monday of May in the same year.

Quadrennial enumeration of deaf and dumb, blind, epileptic and epileptic insane, insane, and idiotic persons.

SECTION 11. Section 1526 of the Revised Statutes is supplemented by the enactment of the following section, numbered as indicated:

County auditor

Sec. 1526a. The auditor of each county shall make and transmit to the manager of the Ohio hospital for epileptics, on or before the third Saturday in August, in the year one thousand eight hundred and ninety-four, and

Abstracts of enumeration returns of epileptics and epileptic insane.



Fees.

every fourth year thereafter, on blanks to be furnished by said manager, a duly certified abstract of the enumeration returns of epileptics and epileptic insane, made to him by the assessors under the provisions of section 1526, and at the same time shall make out and furnish the probate judge of his county a like certified abstract of epileptics and epileptic insane in the county, as returned by the assessors. For making and transmitting such abstract, the auditor shall receive eight cents per hundred words, to be paid out of the county treasury on the allowance of the county commissioners.

Repeals, etc.

SECTION 12. An act entitled "An act to change the name of the asylum for epileptics and epileptic insane and to govern the management of the same," passed April 13, 1892 (89, O. L., 267), and section 1526 of the Revised Statutes, are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 27, 1894.

99G

[House Bill No. 538.]

## AN ACT

To amend section 2837 of the Revised Statutes, as amended April 21, 1893.

Township and  
municipal  
bonds:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2837 of the Revised Statutes, as amended April 21, 1893, be amended so as to read as follows:

Submission of  
question to  
voters.

Sec. 2837. Before any bonds are issued or tax levied, as provided in the next two preceding sections, the question of issuing the bonds shall be submitted to the voters of the township or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council of any municipal corporation shall by resolution declare it necessary to issue and sell the bonds of such township, hamlet, or municipal corporation as the case may be for any or either of the purposes mentioned in section 2835 of the Revised Statutes in any amount specified in such resolution and shall by such resolution fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, hamlet or municipality, and shall cause a copy of such resolution to be certified to the deputy state supervisors of the county in which such township, hamlet or municipal corporation is situated, such deputy state supervisors shall within ten days thereafter proceed to prepare the ballots and make all other

necessary arrangements for the submission of such question to the electors of such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality and shall be conducted, canvassed and certified in the same manner except as otherwise provided by law as April elections in such township, hamlet or municipal corporation for the election of officers thereof, provided however, that when a special election for such purposes is held in a municipal corporation divided into wards there shall be but one voting place in each ward which shall be designated by the deputy state supervisors of election or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required certificates of removal shall not be necessary except when transfers are required from one ward to another, and the board of elections of all such cities shall issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in some newspaper of general circulation in the township or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds, vote in favor thereof, then and not otherwise the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds;" and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

SECTION 2. That said section 2837 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
100G

[House Bill No. 455.]

## AN ACT

To amend section 3085 of the Revised Statutes, as amended April 27, 1893, and to enact supplementary section 3085a.

**Militia:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3085 of the Revised Statutes, as amended April 27, 1893 (90, O. L., p. 867), be amended so as to read as follows:

**Armories.** Sec. 3085. The board of county commissioners of the county in which all, or a majority of the officers and enlisted men of any regiment, battalion, company, troop or battery reside, shall provide for each organization a suitable armory for the purpose of drill and for the safe-keeping of the arms, equipments, uniforms and other military property furnished by the state, which armory shall be inspected and approved by an officer detailed by the commander-in-chief for such purpose, who shall file with the board of county commissioners a certificate of such inspection and approval.

**Militia:** SECTION 2. That section 3085 be supplemented by the enactment of the following section:

**Expenses of armories.** Sec. 3085a. The expense of armories, including the necessary care, fuel and lights, provided under section 3085, shall be paid by the county wherein all the members of the military organization reside, in case they all reside in one county, or by counties, in proportion as they have resident members of any such organization, in case the members reside in more than one county. Where the members reside in more than one county, the resident membership, on the first Monday in April of each year, shall be taken as the basis for determining the proportion in which the counties shall bear the expense of the armory for the current year. For the purpose of paying the expense of armories as aforesaid, boards of county commissioners shall appropriate and allow, payable from the county expense fund, the necessary amount quarterly each year, and such boards are authorized and required to make such levy as will be sufficient to pay said expenses. Boards of commissioners of any county in which all the members of any such organization reside, may purchase land and build armories in the same manner as they are now authorized by law to build other county buildings, and when unable to agree upon the price of land with its owner, may, if in their opinion necessary, appropriate land for the purpose of building armories, in the same manner as they are now authorized by law to appropriate real estate for a court-house, jail or public offices. Upon the approval of the adjutant-general, for the purposes of aiding in paying the expense of armories under this section and section 3085, there shall be allowed by the state, annually, for each company, troop or battery, the sum of two hundred dollars, payable to the treasurer of the county wherein all the members of the military organization reside, in case they all reside in one county, or to the counties, in proportion as

**Building of armories.**

**Allowance by state.**

they have resident members, in case the members reside in more than one county; provided, however, that such allowance shall be made only in case an armory is being furnished and maintained by the county or counties to the satisfaction of the adjutant-general.

SECTION 3. Section 8085 of the Revised Statutes, as amended April 27, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 28, 1894.

101G

[House Bill No. 480.]

## AN ACT

Providing for the printing of reports of state institutions and boards and departments of the state government.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all reports of state institutions, state boards and departments of the state government, with the exception of reports of state elective officers, shall be filed in the office of the governor; and the governor shall fix the number of copies of such reports to be printed, and shall have authority to order such condensation of said reports as, in his judgment, may be judicious, with a view to decreasing the cost thereof without impairing their value as public documents; and the governor shall have authority to order, in such cases as he may deem advisable in the public interest, further detailed reports to be filed in his office in addition to the reports ordered printed as hereinbefore provided. Authority of governor as to certain reports.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 28, 1894.

102G

[Senate Bill No. 55.]

## AN ACT

To amend section 773 of the Revised Statutes.

Girls' industrial  
home:Detention and  
discharge of  
inmate.Return of dis-  
charged or  
escaped inmate.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 773 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 773. A girl duly committed to the home shall be kept there disciplined, instructed, employed and governed under the direction of the trustees, until she is either reformed or discharged, or bound out by them according to their by-laws, or has attained the age of eighteen years; but the trustees, with the approval of the governor, after a full statement of the cause, shall have the right to discharge and return to the parents, guardian or probate judge of the county from which she was committed, who may place her under the care of the infirmary directors of said county, any girl who, in their judgment, ought for any cause to be removed from the home, and in such case the trustees shall enter upon their record the reason for her discharge, a copy of which record, signed by the secretary, shall be forthwith transmitted to the probate judge of the county from which the girl was committed; but the superintendent may, with the approval of the full board of trustees, receive back into the home any girl under twenty-one years of age, who may have been discharged from said home, when the best interests of said girl demand it. Any inmate of the girls' industrial home who escapes from said institution may if captured before the expiration of the time for which she was committed, be returned to the home by the trustees of the institution and there kept for a period not to exceed one year in addition to the time for which she was committed, at the option of said trustees. Provided, however, the time shall not exceed in the aggregate the time for which she was committed.

SECTION 2. Said section 773 of the Revised Statutes is hereby repealed and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 29, 1894.

103G

[Senate Bill No. 116.]

## AN ACT

To repeal an act entitled "An act to incorporate the Stark county mutual insurance company," passed March 29, 1837 (35, O. L., p. 361).

SECTION 1. *Be it enacted by the General Assembly*

*of the State of Ohio*, That an act entitled "An act to incorporate the Stark county mutual insurance company," passed March 29, 1837 (35, Ohio laws, p. 361), be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 29, 1894.  
104G

[Senate Bill No. 117.]

### AN ACT

To repeal an act entitled "An act to incorporate the Clermont county fire, marine, and life insurance company of Clermont county."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to incorporate the Clermont county fire, marine, and life insurance company of Clermont county," passed January 21, 1851 (49, O. L., p. 181), be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 29, 1894.  
105G

[Senate Bill No. 183.]

### AN ACT

To amend sections two and eleven of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class," passed March 16, 1887, and as amended February 9, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2 and 11 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension [fund], to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and the dependent mothers or fathers of deceased firemen, in cities of the third grade

Firemen's pension fund in certain cities:

of the first class, and of the third grade of the second class," passed March 16, 1887 (84 v., 102), as amended February 9, 1893 (90 v., 31), be so amended as to read as follows:

**Election of  
trustees.**

Sec. 2. The three persons to be elected as such trustees shall, together with three other persons also members of the said fire department, be nominated for such office of trustee in a convention called by the chief of such fire department, such convention to be composed of one delegate from each engine, chemical engine, fire boat, hook and ladder or hose company, fire alarm telegraph company, and from the general office belonging to the fire department of any such city, and convened at least two weeks prior to the election of such three trustees. And in cities where the fire department does not consist of separate companies, the nominating convention shall consist of not less than five nor more than ten delegates, members of the fire department, to be selected at a caucus of such members called by the chief not less than five days prior to such convention. That such election shall be held in the respective houses or headquarters of such engine, chemical engine, fire boat, hook and ladder or hose company, telegraph department or general offices, and be by ballot cast by the members of the said fire department between the hours of 9 o'clock in the forenoon and 6 o'clock in the afternoon on the third Tuesday of January in each and every year hereafter, except the first election, which shall be held within thirty days after, and by virtue of the passage of this act, and provided, that if in any such city such first election shall not have been held on the third Tuesday of January, 1894, the same shall be held on such day thereafter as the council shall fix for the same; that every such member shall be entitled to cast only one ballot, that no ballot shall contain the names of more than three persons, and the three persons receiving the highest number of votes shall be declared elected as such trustees, and hold their office until their successors are duly elected. That the captain or officer in command of any such company, or the chief of the fire department, in cities where there are no separate companies on the day of and immediately after holding such election, shall canvass, count and certify in writing the number of ballots cast and the votes received by each candidate for the office of trustee. After signing such certificate, said officer or captain in command shall at once address and deliver or mail the same to the city clerk of such city; that the mayor, city clerk and chief of the fire department shall together, within three days after receipt of such certificates by said clerk, open the same and ascertain and determine the total number of votes so cast at said election for the different persons for the office of trustee, as returned by said captain or officer or chief in command, and under the respective hands of such mayor and city clerk issue certificates of their election to the three persons elected as such trustees. In case of a tie vote being received by

any two persons for the office of said trustee, such tie vote shall be decided by casting lots or in any other way which may be agreed upon by and between the persons for whom such tie vote was cast. No election shall be set aside for want of formality in balloting by such members, or certifying or remitting the returns of any such election by said captain or officer in charge.

Sec. 11. If any member of the fire department of any such city shall, while in the performance of his duty, become or be found upon an examination of a medical officer ordered by said board or committee having control of the fire department, to be physically or mentally permanently disabled, and such disability shall have been caused in or induced by the actual performance of the duties of his position as such member, so as to render necessary his retirement from all service in the said fire department, such board or committee shall have power to retire such permanently disabled member from all service in the said fire department, and upon such retirement the said board of trustees shall authorize the payment to such permanently disabled member, monthly, from the said pension fund, upon the order of the city clerk, such sum as the said board of trustees may allow, but not exceeding twenty dollars per month, in cities of the fourth grade of the second class; the sum of twenty-five dollars in cities of the third grade of the second class, and forty dollars in cities of the third grade of the first class. If any member of the said fire department shall, while in the performance of his duty, be killed, or in said cities of the second class, third grade, was thus killed after the passage of said original act and before the organization of the firemen's pension (fund), or die of the effects of an injury thus received, or of any disease thus contracted, or while retired, die from any such cause, and such member so killed, or dying from said injuries or disease, [and] shall leave a widow, or minor child or children under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund of the following sums monthly, to wit: To such widow, while unmarried, twenty dollars; to the guardian of such minor child or children, six dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother until she remarries; and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent father shall be paid the same sum monthly provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money or bonds to the credit of the said pension fund to pay to each person entitled to the benefit thereof the full amount per month as hereinbefore stated, then and in that event an equal percentage of said monthly payments shall be made to each beneficiary thereof until said fund is so re-

Beneficiaries of such fund; payments to.



plenished as to warrant payment in full to each of said beneficiaries. Provided that in cities of the fourth grade of the second class if any member of a volunteer fire department of such city shall while in the performance of his duties as such fireman through accident, exposure or otherwise become temporarily disabled to such an extent and as to prevent such member from following his usual avocation, said board may pay such disabled member weekly during such disability such sum not exceeding five dollars per week as said board of trustees may deem proper, which weekly allowance shall be paid out of said pension fund upon the order of the city clerk as hereinbefore provided.

Repeals, etc.

SECTION 2. That said sections two and eleven are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 29, 1894.  
106G

[Senate Bill No. 299.]

## AN ACT

To amend section 2837 of the Revised Statutes as amended March 28, 1894.

Township and  
municipal  
bonds:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2837 of the Revised Statutes, as amended March 28, 1894, be amended so as to read as follows:

Submission of  
question to  
voters.

Sec. 2837. Before any bonds are issued or tax levied, as provided in the next two preceding sections, the question of issuing the bonds shall be submitted to the voters of the township or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council of any municipal corporation shall by resolution declare it necessary to issue and sell the bonds of such township, hamlet or municipal corporation, as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in any amount specified in such resolution and shall by such resolution fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, hamlet or municipality, and shall cause a copy of such resolution to be certified to the deputy state supervisors of the county in which such township, hamlet or municipal corporation is situated, or board of election in such cities as have such boards, [and] such deputy

state supervisors, or such boards of election, shall within ten days thereafter proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality and shall be conducted, canvassed and certified in the same manner except as otherwise provided by law as April elections in such township, hamlet or municipal corporation for the election of officers thereof; provided, however, that when a special election for such purposes is held in a municipal corporation divided into wards there shall be but one voting place in each ward which shall be designated by the deputy state supervisors of election or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required certificates of removal shall not be necessary except when transfers are required from one ward to another, and the board of elections of all such cities shall issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the township or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds, vote in favor thereof, then and not otherwise the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds;" and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

SECTION 2. That section 2837 of the Revised Statutes, as amended March 28, 1894, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 30, 1894.

[Senate Bill No. 246.]

## AN ACT

To amend section 3827 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3827 of the Revised Statutes be so amended as to read as follows:

Powers of certain corporations:

Officers of board of trade, chamber of commerce, merchants' exchange, etc.

Sec. 3827. The officers of an incorporated board of trade, chamber of commerce or merchants' exchange or other kindred association, shall consist of a president, two vice-presidents, treasurer, secretary, and not less than ten directors, all of whom shall be members of the association, and be engaged in business at, or residents of the city or town where it is established; they shall be elected by ballot at the annual meeting of the association, and shall hold their office for one year, unless said association shall, by its by-laws provide a longer term for all or any of said officers, and until their successors are elected and qualified; the officers thus elected, together with said directors, shall constitute the board of directors of such association; provided, however, that any such association may provide for the election of not less than ten directors, as aforesaid, and by its by-laws authorize said directors to elect a president, two vice-presidents, a treasurer and a secretary, and such additional directors as may be necessary to complete the maximum membership of the board, all of whom shall be members of said association; the officers thus elected, together with said directors, shall constitute the board of directors of such association; and all other officers, agents or committees deemed necessary for the interest of the association, shall be elected or appointed in such manner and with such powers as may be provided by the by-laws of the association. And in like manner said association may have the power to provide for the trial, suspension, fine or expulsion of any of its members by the board of directors constituted as hereinbefore provided. And said association may make provision for the relief and support of the families and dependents of deceased members.

Trial, suspension, fine or expulsion of member; relief of family and dependents of deceased member.

Repeals, etc.

SECTION 2. That said original section be and the same is hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

108G

[House Bill No. 212.]

## AN ACT

To prevent the spread of the yellows, a contagious disease among peach, almond, apricot and nectarine-trees, and to prevent the

spread of the black-knot, a contagious disease among cherry, prune and plum-trees, and to provide measures for the eradication of the same, and to repeal an act entitled "An act to amend section 1 of an act entitled 'an act to eradicate the disease known as black-knot on plum and cherry-trees,'" passed April 13, 1893

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to keep, or to suffer or permit to be kept or to remain upon his premises or upon premises under his charge or control, as owner or lessee or otherwise, any peach, almond, apricot or nectarine-tree infected with the contagious disease known as the yellows, or to keep any cherry, prune or plum-tree infected with the contagious disease known as the black-knot, or any of the fruit from any of said trees so infected except from trees affected with black-knot, or to sell or offer for sale, or ship or permit to be shipped to any person in any manner, any of such fruit so infected or from any trees so infected except as aforesaid; that both trees and fruit so infected, except as aforesaid, shall be subject to destruction as public nuisances as hereinafter provided, and it shall be the duty of every person owning any fruit or having in their charge or under their control any fruit from any of said trees so infected, or any of such fruit so infected, except as aforesaid, and of every person owning any of said fruit-trees so infected, and of every person having any of said fruit-trees so infected in their charge or under their control as agent, lessee or otherwise, to immediately destroy all such trees so infected and all of said fruit so infected and all of said fruit from any tree or trees so infected, by burning the same; and whoever owning any of said fruit-trees so infected, or any fruit so infected, or whoever having any of the same in charge as agent, servant or employe or lessee or otherwise, shall fail or neglect to destroy all of the same so infected within ten days after notice or knowledge of such infected condition, or shall fail or neglect to destroy all of the same within ten days after notice given to him by the township board of fruit commissioners, hereinafter mentioned, of such infected condition, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding one hundred dollars; provided, however, that in case of the black-knot in any such fruit-tree, it shall be sufficient to cut away and destroy only the limb or part of the tree affected with the black-knot, and destruction or the term destroy in this act shall be construed to mean destruction by fire.

Destruction of trees infected with yellows or black-knot, infected fruit, fruit from infected trees, etc.

**SECTION 2.** In any township in this state, on the application of not less than ten freeholders of said township, the township trustees of any such township may elect, others than those making the application as aforesaid, three competent freeholders of said township who are engaged in the business of growing any of such fruit, if such there be in the township; if there should not be three such persons within said township, then three persons freeholders of said township having experience or acquired knowledge in grow-

Township board of fruit commissioners.

ing such fruit, as commissioners, who shall be known as the township board of fruit commissioners; each of whom shall hold office during the pleasure of the board of township trustees, and the order of election of said commissioners and any order of their removal shall be entered upon the records of said township by the township clerk of said township; and each of said commissioners so elected within ten days after their said election shall file their acceptance of such appointment with said township clerk, and each of said commissioners, within ten days after their said appointment, shall give bond with not less than two sureties to be approved by the township trustees, payable to the state of Ohio, in a sum not less than \$200 nor more than \$1,500, as may be directed by the trustees, conditioned for the faithful performance of their duties, which bond, with an oath of office of each commissioner in same form as required of a justice of the peace indorsed thereon, together with the approval of such bond by the trustees indorsed thereon, shall be filed with the township clerk. Each of said commissioners shall receive for each day necessarily engaged in the business of their said office, the sum of one dollar and in addition they shall receive all of their necessary expenses incurred, all of which shall be allowed to them by the township trustees and paid out of the funds of said township.

Clerk of such board.

**SECTION 3.** The township clerk shall be clerk ex officio of said township board of fruit commissioners, and he shall keep a correct and complete record of all their proceedings in a book to be provided him by the township trustees for that purpose, and shall file and preserve all papers pertaining to the said board of commissioners, or either of them, and pertaining to their duties, all of which shall be a part of the public records of said township, and he shall receive such reasonable compensation for such services as the township trustees may allow.

Duties of such board.

**SECTION 4.** It shall be the duty of said board of fruit commissioners, upon or without complaint or upon actual observation by any one of them, to proceed in a body (which shall be construed to mean any two of them) without delay and examine the trees or fruit supposed to be infected, and if any of said diseases is found to exist by said board of fruit commissioners, they shall place upon the diseased trees a distinguishing mark, and shall place upon the fruit so diseased, or which came from any tree so diseased, a placard, and indorse thereon the diseased condition of such fruit, and they shall forthwith cause notice in writing to be served upon the owner of the same, if he be a resident within the county, and if the owner be not a resident of such county, then such written notice may be served upon the person having the same in charge for the owner or agent, employe or lessee or otherwise; such notice may be served personally or by copy left at the usual place of residence of any such person, and if no such person resides within such county upon whom service can be made, then such

notice may be served by mail by being deposited in a post-office, postage prepaid, and addressed to the post-office address of such person wherever he may reside. Such notice shall contain a simple statement of the facts as found to exist, with an order of said board of fruit commissioners to remove and destroy the trees so marked and designated, and the parts so infected with the black-knot, and the fruit so marked by placard, within ten days from the date of service of said notice, Sundays excepted; and if any person whose duty it is hereby made to destroy the same, fails, neglects or refuses to destroy the same as mentioned in such order of said commissioners for a period of ten days after service thereof, then the said commissioners be and they are hereby authorized and required to enter upon the premises of any person and destroy all of such fruit-trees or fruit so mentioned in their said order and so found to be so diseased, which they have so marked or placarded, and said commissioners are hereby authorized to employ help and secure all the necessary means to so destroy the same, all of which shall be allowed by the township trustees and paid out of the township treasury; provided, however, that any person owning any of said fruit-trees or fruit, or any person having the charge, control or supervision thereof, as agent, employee, lessee or otherwise, or any person who may have an interest, in any manner, in any of said trees or fruit, or any part thereof, shall have a right to have the question whether any of said trees or fruit is so diseased or whether any of said fruit came from any trees so diseased, and the question whether any of said trees or fruit or any part of the same is a nuisance, or any of said questions, to be determined by a jury of twelve freeholders of said township; provided, that such person within the period of ten days from receiving such order from said commissioners, shall make his application to a justice of the peace of said township, or to a justice of the peace of an adjoining township in case there is no justice able or competent to attend to such proceeding, and shall notify the said commissioners thereof as hereinafter mentioned; but if any such person shall fail, neglect or refuse for such period of ten days after receiving such notice and order from said commissioner[s], to make such application to any such justice of the peace and notify the said commissioners thereof of his intention to have such question so tried by a jury, then he shall have waived any and all right to have such jury to determine such question or any of such questions, and such order of said commissioners shall be forthwith executed by said commissioners; but in case such application shall be so made for a jury, the said commissioners shall suspend temporarily their said order, which shall be executed thereafter, modified or suspended, abandoned or executed in whole or in part, by the said commissioners, as they shall be directed by the verdict of said jury.

Right to have  
certain ques-  
tions deter-  
mined by jury.

**SECTION 5.** Any person receiving any such order from said commissioners intending to contest the question of said trees or fruit being so affected, the question of whether

Proceedings in  
such contest.

any of said fruit came from any trees so affected, or the question of whether the same or any part of the same is a nuisance or intending in any manner to resist the said order of said commissioners, shall, within ten days from the time of receiving the said order, file his application in writing with any such justice of the peace for such jury and serve notice thereof upon said commissioners, in writing, as mentioned in section four, and the said justice shall enter said cause upon his docket and the board of commissioners who issued such order shall be the plaintiff and a party of said action, and the person complaining shall be the defendant thereto. Upon docketing such cause and immediately upon filing of such application with such justice, the said justice shall issue a venire for a jury of sixteen freeholders of the township where said justice resides, returnable on the fifth day thereafter, which shall be served by any constable of said township, and said justice shall also at the same time issue a notice to said board of commissioners to be served by any such constable, and said notice and venire shall state the nature of said cause and mention the time and place where the same will come on for hearing. At the time and place so fixed for such hearing the board of commissioners shall appear and prosecute their said action, and in all such proceedings shall be known as a party thereto, and the said jury shall be duly impaneled, sworn and qualified and made up in the matter of challenges and qualification, and all other particulars, as are provided by law, in civil cases in the courts of common pleas. The only pleading required in such cause is the order of said commissioners and the issue[d] joined shall be the issue made by such order, and the trial shall be conducted in all respects, as far as are applicable, as trials in civil cases are conducted in common pleas courts, except that the verdict of said jury may be the affirmation of said order of said commissioners, a reversal thereof, a modification, or suspension of the same or of any part thereof, and after the verdict of such jury, the said commissioners shall execute the said order or suspend the same or execute the same as directed by said verdict and from such verdict there shall be no appeal.

#### Fees and costs.

SECTION 6. The justice of the peace, constable, witness and jury shall receive such fees as are now provided by law for such officers before justices of the peace in civil cases, to be taxed as a part of the costs in such proceedings, and the same, together with the fees and expenses of said board of commissioners in attending such proceedings, and all other expenses and fees of said board of commissioners, shall be allowed by the trustees of said township and paid out of the township funds, and in all cases where the order of the said board of commissioners shall be sustained by said jury, and in cases where said commissioners shall execute their own order upon default of the person whose duty it shall be to execute the same, the costs shall be paid by the party whose duty it shall be to execute such order, and in case of his failure to pay the same after demand made by the trus-

tees of such township, the said trustees shall certify the same, together with a penalty of 15 per cent. to the auditor of the county to be placed upon the tax duplicate, and the same shall become a lien upon the premises of such person from the time of filing the same with the auditor and collected by the county treasurer as other taxes.

SECTION 7. An act entitled "An act to amend section one of an act entitled 'an act to eradicate the disease known as 'black-knot' on plum and cherry-trees,' " passed April 13, 1893 (vol. 90, p. 176), is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

109G

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[House Bill No. 224.]

## AN ACT

To amend section 4017 of the Revised Statutes of Ohio, as amended March 31, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4017 of the Revised Statutes of Ohio, as amended March 31, 1892, be so amended as to read as follows: Schools:

Sec. 4017. The board of education of each district shall have the management and control of the public schools of the district, with full power to appoint a superintendent and assistant superintendents of the schools, a superintendent of buildings, and teachers, janitors and other employes, and fix their salaries or pay, which salaries or pay shall not be either increased or diminished during the term for which the appointment is made; but no person shall be appointed for a longer time than that for which a member of the board is elected. At said appointment the clerk shall call publicly the roll of all the members comprising the board, and as each member's name is called he shall verbally announce the name of the candidate who is his choice, and the clerk shall enter on the records required to be kept, the names of those voting and for whom they voted. And such board may dismiss any appointee for inefficiency, neglect of duty, immorality, or improper conduct. Control of schools vested in board; appointees.

SECTION 2. That section 4017, as amended March 31, 1892, be and the same is hereby repealed. Repeals.



SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
 110G

[House Bill No. 429.]

## AN ACT

To amend section 3950 of the Revised Statutes of Ohio.

**Joint subdistricts:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3950 of the Revised Statutes be amended so as to read as follows:

**Dissolution or alteration.**

Sec. 3950. No joint subdistrict, which is now organized or may hereafter be organized, shall be dissolved, changed or altered, unless by the concurrent action of the boards of education of the several townships having territory included therein; provided, however, that when any board of education in a joint subdistrict desires to dissolve, change or alter the same, the board of education desiring such dissolution, change or alteration, shall notify, in writing, the boards of education interested of the time when they will meet to consider the proposed dissolution, change or alteration. The place of meeting shall be the school-house in such joint subdistrict; but if there be none, then at some convenient place in the vicinity of such joint subdistrict. If the joint board fails to meet, or having met can not agree upon a dissolution, change or alteration, as the case may be, then the board of education desiring such dissolution, change or alteration may appeal to the probate court of the proper county, and the same proceedings shall be had as in case of appeals in the formation of joint subdistricts, so far as applicable, as provided in sections 3935 to 3941, inclusive; and any joint subdistricts established by proceedings in the probate court may be dissolved, changed or altered, as provided in this section, at any time after the expiration of five years, or the court may dissolve the same at any time, upon being petitioned to do so by two-thirds of the voters residing in the district which is affected by the change, when the best interests of the school demand such dissolution, change or alteration. And provided further, that the provisions of this section shall in no wise interfere with the establishment of any special district under the provisions of sections three thousand nine hundred and twenty-eight to three thousand nine hundred and forty-nine, inclusive, as amended March fifteen, one thousand eight hundred and ninety-two.

**Establishment of special districts.**

SECTION 2. That said section 3950 and all acts amendatory thereto be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
111G

[House Bill No. 450.]

### AN ACT

To amend section 1 of an act entitled "An act to appropriate funds to deepen, widen and straighten the Miami river in Logan county from the outlet of the Lewistown reservoir to Long's dam," and to repeal section 2 thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to appropriate funds to deepen, widen and straighten the Miami river in Logan county from the outlet of the Lewistown reservoir to Long's dam," passed April 27, 1893, be amended so as to read as follows:

Board of public works:

Sec. 1. That ten thousand dollars, or so much thereof as may be necessary, be appropriated for the special use of the board of public works in removing the obstruction in the Miami river known as Long's dam, and in widening, deepening and straightening the Miami river from the outlet at the bulkhead of the Lewistown reservoir to and including Long's dam in Logan county. The funds herein provided for shall be paid from any moneys in the treasury not otherwise appropriated.

Appropriation for improvement of Miami river.

SECTION 2. That said sections 1 and 2 of said act be and the same are hereby repealed, and this act shall take effect on its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
112G

[House Bill No. 487.]

### AN ACT

To supplement section 15 of an act entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," as amended April 25, 1893 (O. L., vol. 90, p. 272).

SECTION 1. *Be it enacted by the General Assembly*

Election sup-  
plies:

Bond of bidder  
for printing.

*of the State of Ohio*, That section 15 of the above recited act be supplemented as follows:

Sec. 15a. Each proposal for printing, as provided for in the preceding section, must be accompanied by a bond executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the board of deputy state supervisors, in a sum double the amount of his bid, conditioned for a faithful performance, pursuant to contract of such printing as may be awarded to him; and for the payment as liquidated damages by such bidder to the board of deputy state supervisors of any excess of cost over the bid or bids of such bidder which the board of deputy state supervisors may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; the bond to be null and void if no contract be awarded to him. No bid unaccompanied by such bond shall be entertained by the board of deputy state supervisors.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed April 4, 1894.

113G

[House Bill No. 451.]

## AN ACT

To supplement section 1448 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1448 of the Revised Statutes of Ohio be supplemented with an additional section, with sectional numbering as follows:

Officers of civil  
townships:

Bond of town-  
ship trustee.

Sec. 1448a. Before entering upon the discharge of his duty, each township trustee, elected after the passage of this act, shall give to the state of Ohio for the use of the township a bond with at least two sureties, who shall be residents of the same township with the trustee, in the sum of five hundred dollars, payable as above mentioned conditional for the faithful performance of his duty as trustee, which bond shall be approved by some justice of the peace of the township in which the bond is given. The justice of the peace who approves said bond may whenever he deems it necessary, and on application of at least twelve freeholders of the township require additional security or the execution of a new bond; and if the trustee fail for ten days to give additional security or execute a new bond after service of such notice in writing, such original bond or new bond to be deposited with the township clerk.

and recorded by him, the office shall be declared vacant and filled as required by law.

SECTION 2. This act shall be in force from and after the first day of January, 1895.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
114G

[House Bill No. 460.]

## AN ACT

To amend section 1939 of the Revised Statutes of Ohio, as amended March 18, 1889 (vol. 86, p. 112).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 1939 of the Revised Statutes of Ohio, as amended March 18, 1889, be amended so as to read as follows:

Sec. 1939. The following officers and patrolmen of the police force shall receive the following salaries per annum: The superintendent, not less than twenty-three hundred dollars and not more than three thousand dollars; deputy superintendent, not less than two thousand dollars and not more than twenty-five hundred dollars; each captain, not less than fifteen hundred dollars and not more than eighteen hundred dollars; each lieutenant and detective, not less than twelve hundred dollars and not more than fifteen hundred dollars; police surgeon, not less than thirteen hundred dollars and not more than fifteen hundred dollars; each sergeant, not less than eleven hundred dollars and not more than thirteen hundred dollars; each patrolman, not less than seven hundred and eighty dollars and not more than seven hundred and ninety-two dollars for the first year's service; not less than eight hundred and forty dollars and not more than eight hundred and fifty-two dollars for the second year's service; not less than nine hundred dollars and not more than nine hundred and twelve dollars for the third year's service; not less than nine hundred and sixty dollars and not more than nine hundred and seventy-two dollars for the fourth year's service; not less than one thousand dollars nor more than twelve hundred dollars for the fifth and subsequent years of service. Provided, patrolmen on said police force at the time of the passage of this act shall continue to receive not less than their present salary per annum. Provided further, the director of police shall have the power to appoint one or more of the patrolmen as clerks to the superintendent of police or secretary of the director of police, who shall receive the salary and rank of sergeants. The pay in all said cases to

Cleveland police force:

Salaries.

be fixed by the city council and the salaries to be paid semi-monthly to the persons entitled thereto.

Repeals.

SECTION 2. Section 1939 of said Revised Statutes is hereby repealed and all acts and parts of acts not in accordance with the provisions of this act, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 4, 1894.

115G

[Senate Bill No. 163.]

## AN ACT

To amend sections 83 and 3908 of the Revised Statutes, and sections 6 and 7, and to supplement section 9 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," to reenact sections 4 and 5, and to supplement sections 6, 21 and 31 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and to prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892, as amended April 25, 1893, and to repeal certain sections herein named.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That sections 2932 and 2933 of the Revised Statutes, and section 4 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892 (O. L., vol. 89, p. 432), as amended April 25, 1893, be and the same are hereby repealed.

Ballot law:

SECTION 2. That the following be reenacted as sections 4 and 5 of the above recited act, and that sections 6, 21 and 31 of said act be supplemented as follows:

Judges and clerks in municipalities not divided into wards and not of themselves forming separate precincts.

Sec. 4. In all other municipalities not divided into wards and not of themselves forming a separate voting precinct, the deputy state supervisors may determine whether the election officers of the township shall conduct such municipal election, or whether a separate set of judges and clerks shall be appointed and required to conduct the election within the municipality.

Candidate ineligible to serve as judge or clerk.

Sec. 5. No person being a candidate for any office to be filled at an election shall serve as a judge or clerk of elections in any precinct at such election; and any person serving as judge or clerk contrary to the provisions of this

section, shall be ineligible to any office to which he may be elected at such election.

Sec. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to substitute the name of a candidate of another political party for such office, it being the intent of this act that when the nomination of a candidate of one party is indorsed by another that it shall be done at the time and in the manner provided for original nominations.

Substitution of candidate of other political party.

Sec. 21a. If there should be no nomination for a particular office by any political party, or if by inadvertence, or otherwise, the name of a candidate regularly nominated by such party should be omitted from the ballot, and the elector desires to vote for some one to fill such office, he may do so by writing the name of the person for whom he desires to vote in the space underneath the heading or designation of such office and make a cross mark in the circle at the head of the ticket, in which case the ballot shall be counted for the entire ticket as though the name substituted had been originally printed thereon.

Substitution when no nomination made or name of nominee omitted; marking of ballot in such case.

Sec. 31a. It shall be the duty of the prosecuting attorney of any county, upon the request of the state supervisor of elections, or at the instance of the deputy state supervisors of the county, to prosecute violations of this act.

Prosecution of violations.

SECTION 3. That sections 6 and 7. of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," as amended, be further amended so as to read as follows:

Deputy state supervisors of elections:

Sec. 6. At least ten days before any annual or general election, the deputy supervisors for each county shall, when vacancies exist, appoint, in all precincts in which voters are not registered, four judges and two clerks of election, residents of the precinct, who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of the election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three dollars for each election; provided, however, that in cities where registration is re-

Appointment of judges and clerks of election.

Presiding judge.

Terms.

Apportionment politically; vacancy in office.

Compensation.

**Removals.**

quired, the compensation of judges and clerks of election shall remain as now fixed by law. The judges and clerks of elections, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of the board of deputy state supervisors to immediately send notice to the board of precinct officers.

**Oath of deputy supervisors.**

Sec. 7. Each deputy supervisor of elections shall, before entering upon his duties, appear before some person authorized to administer oaths, and take and subscribe to the following oath, which shall be filed with the clerk of the court of common pleas in the county where such deputy resides:

*State of Ohio, ——— county, ss.:*

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and perform the duties of deputy state supervisor of elections to the best of my ability.

Signed, \_\_\_\_\_.

Sworn to and subscribed before me this — day of —, in the year —.

\_\_\_\_\_,  
[Title of officer.]

**Oath of clerk of deputy supervisors.**

The clerk of the deputy supervisors for each county shall, before entering upon his duties, take and subscribe the following oath, which shall be filed with the clerk of the court of common pleas of the county where he resides:

*State of Ohio, ——— county, ss.:*

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and discharge the duties of clerk of the deputy state supervisors for ——— county to the best of my ability, and preserve and keep all records, documents and other property pertaining to the conduct of elections placed in my custody.

Signed, \_\_\_\_\_.

Sworn to and subscribed before me this — day of —, in the year —.

\_\_\_\_\_,  
[Title of officer.]

**Oath of clerks and judges.**

The clerks and judges of election shall take and subscribe to the following oath, which, upon request of the person appointed, shall be administered without compensation by any person authorized to administer oaths, and which shall be filed with the clerk of the deputy state supervisors:

*State of Ohio, ——— county, ss.:*

I do solemnly swear that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge —, — clerk — of the election in and for precinct —, —

township, — county, at the next ensuing election, and I further solemnly swear that if, in the discharge of my official duties, I gain knowledge as to how any elector voted at said election, I will not disclose the same.

Signed, \_\_\_\_\_.

Sworn to and subscribed before me this — day of —, in the year —.

[ *Title of officer.* ]

SECTION 4. That section 9 of "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," be supplemented as follows:

Deputy state supervisors of elections:

Sec. 9a. It shall be the duty of the county boards of deputy state supervisors to investigate all irregularities or non-performance of duty by any election officer that may be reported to them, or that comes to their knowledge, and report the facts to the state supervisor of elections and to the prosecuting attorney of the county; and the state supervisor of elections, or the deputy state supervisors of the county, shall have authority, and it is hereby made their duty, to order the prosecution of all offenses for violations of this act, or any of the laws of the state relating to the conduct of elections.

Investigation of irregularities or non-performance of duty by election officer; report thereon.

Prosecutions.

SECTION 5. That section 83 of the Revised Statutes be amended to read as follows:

Governor

Sec. 83. Each judge of the supreme court, circuit court, court of common pleas and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law and not otherwise provided for, shall be entitled to receive from the governor a commission to fill such office, upon producing to the secretary of state a legal certificate of his being duly elected or appointed. And as soon after any election for any county officers or justices of the peace, as the result shall have become officially known to the board of deputy state supervisors of any county in this state, they shall immediately forward by mail, to the secretary of state, certificates of the election of such county officers or justices of the peace; and, thereupon, the governor, upon the filing of such certificates with the secretary of state, shall issue the proper commissions to the county officers or justices of the peace and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officers.

Officers entitled to commissions

Certificates of election and commissions of county officers and justices of the peace.

SECTION 5a. That section thirty-nine hundred and eight (3908) of the Revised Statutes of Ohio be so amended as to read as follows:

Board of education:

Sec. 3908. In village districts members of the board of education shall be elected on the first Monday of April, annually, to serve for the term of three years from the third Monday of April succeeding their election, and until the election and qualification of their successors; if the board consists of six members, two judicious and competent per-

Election in village districts.



sons shall be elected each year, and if it consists of three persons, one such person shall be elected each year; provided, that when the village of which the village district is in whole or in part, composed, is divided into wards or voting precincts, the election for members of the board of education shall be held in each of such wards or precincts; but all the members shall be elected at large by the electors of the district, and voters residing in such wards or precincts who are also residents of the school district, shall vote for a member of the board of education in the ward or precinct in which they reside. The election for members of the board of education in such wards or precincts shall be held by the same judges and clerks provided for the municipal or township election, and returns of such election, duly certified as in other cases, shall be made within five days to the clerk of the board of education of any such district.

Judges and  
clerks of elec-  
tion now in  
office; their  
successors.

SECTION 6. The judges and clerks of election now in office shall serve as such until the first day of October, 1894, when their terms of office shall cease and determine after such date, and at least ten days prior to the November election, the deputy state supervisors shall appoint their successors for the terms and in the manner provided by law.

Repealed.

SECTION 7. Sections 6 and 7 of the act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," and section 83 of the Revised Statutes are hereby repealed; also, section 3908 of the Revised Statutes, as heretofore amended, is hereby repealed.

SECTION 8. This act shall take effect and be in force from and after May 1, 1894.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed April 5, 1894.  
116G

[ Senate Bill No. 196.]

## AN ACT

To amend section 644 of the Revised Statutes.

Benevolent in-  
stitutions:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 644 of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows:

Monthly visita-  
tions, examina-  
tions and ap-  
provals by  
trustees; de-  
tailed statement  
of condition

Sec. 644. Each institution shall be visited monthly by at least three of the trustees thereof, and thoroughly examined in all its parts, including the examination and approval of accounts and balance-sheets of the financial officer of the institution, also the examination and approval

of the estimate made by the financial officer of such institution, at which meeting there shall be drawn up and placed on record a detailed statement of the condition of the institution, which record shall be subject to the order of the general assembly, and shall at all times be open to the inspection of the committees of the legislature on benevolent institutions.

SECTION 2. Said original section 644 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
117G

[Senate Bill No. 292.]

## AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4002 of the Revised Statutes, as amended March 14, 1893, be amended so as to read as follows: Cleveland public library:

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may levy annually a tax of five-tenths of one mill on each dollar valuation of the taxable property of said city and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as the school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property, as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation to the librarian, assistants and help, that may be incurred in increasing and maintaining the library; and the pay-rolls and all warrants upon the treasurer given to pay such expenditures, upon the order of the library board, shall be certified by the president and secretary of such board, and paid by the treasurer of the city from such library fund. Library tax.

How library fund to be expended.

SECTION 2. That said section 4002 of the Revised Statutes, as amended March 14, 1893, be and the same is Repeals, etc.

hereby repealed, and this act shall take effect and be in force on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
118G

[House Bill No. 424.]

### AN ACT

To amend section 2473 of the Revised Statutes of Ohio.

Power of  
Council:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2473 of the Revised Statutes of Ohio be amended so as to read as follows:

To regulate the  
erection of  
structures, etc.

Sec. 2473. The council shall have power to regulate the erection of houses and business structures and, on the petition of the owners of not less than two-thirds of the ground included in any square, or half-square, prohibit the erection on any such square, or half-square, of any building, or addition to any building more than ten feet high, unless the outer walls be made of iron, stone, brick and mortar, or of some of them, and to provide for the removal of any building or additions erected contrary to such prohibition; and in cities of the first class the council may prohibit, within such limits as it may deem proper, the erection of buildings, unless the outer walls be constructed of iron, brick and mortar, or stone, brick and mortar.

Repeals.

SECTION 2. That original section 2473 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
119G

[House Bill No. 217.]

### AN ACT

To amend section 560 of the Revised Statutes, as amended March 30, 1893, and section 561, as amended February 19, 1890.

Attorneys at  
law:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 560 of the Revised Statutes, as amended March 30, 1893, and section 561, as amended Feb-

ruary 19, 1890, be and the same are hereby amended so as to read as follows:

Sec. 560. No person shall be admitted to such examination unless he is twenty-one years of age, has resided in the state for the year next preceding, and is a citizen of the United States or has declared his intention of becoming a citizen thereof; nor until he has produced from some attorney at law a certificate setting forth that the applicant is of good moral character, and that he believes him to be a person of sufficient legal knowledge and ability to discharge the duties of an attorney and counselor at law, and that he has regularly and attentively studied law during the period of three years previous to such application, either under the tuition of some practicing attorney or in regular attendance at some law school, or for a part of such period under such tuition and for the rest of it in attendance at school; but any person residing in the state or coming into the state for the purpose of making it his permanent residence, upon producing satisfactory evidence that he has studied law for the period of three years under the tuition of some attorney at law, and has been regularly admitted as an attorney and counselor at law in some court of record within the United States, or that having been so admitted after a shorter period of study, he has been in the practice of law in such court for a time which added to such period of study makes up three years, may be admitted to such examination upon producing satisfactory evidence that he is of good moral character. Provided, that a person who has become a resident of this state and who having studied law for a period of at least two years and passed a regular examination and has been regularly admitted as an attorney and counselor at law in the highest court of any other state in or of the United States, and has been in active practice of the law in such state or in the supreme court of the United States for a period of not less than five years immediately preceding his removal to the state of Ohio, upon producing satisfactory evidence of such admission, study, and practice and good moral character, may be admitted without such examination.

Requirements  
for admission to  
examination.

Admission to  
practice without  
examination.

Sec. 561. In any county in which there is a law college, or a college or university having a department of law, duly organized, with a course of study wholly devoted to the law, extending through two academic years or more, the supreme court may (if in its opinion the character of the course of study and the number of the graduating class shall warrant it) appoint a committee of not less than three nor more than seven attorneys at law to attend the commencement exercises of such college next after their appointment, and examine the graduating class of such college or department in regard to their qualifications to practice law; and upon the report of such committee, the court may admit to practice as attorneys and counselors at law those members of such graduating class who may be recommended by said committee and found by the court to be qualified; provided, that the presiding officer of such college or department shall

Examination  
and admission  
of graduates of  
law college or  
department.

certify that such graduating students have completed the course of law study hereinbefore mentioned, and are persons of good moral character; and provided further, that such applicant students shall furnish satisfactory evidence of fulfilling the conditions in the preceding section prescribed as to age, residence, time of study, and citizenship, or declaration of intention to become a citizen.

Repeals.

SECTION 2. Said section 560, as amended March 30, 1893, and section 561, as amended February 19, 1890, are hereby repealed.

SECTION 3. This act will take effect and be in force on and after the first day of July, A. D. 1895.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed April 5, 1894.

120G

[House Bill No. 357.]

## AN ACT

To amend section 3235 of the Revised Statutes of Ohio, as amended April 20, 1893.

Creation of corporations :

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3235 of the Revised Statutes of Ohio, as amended April 20, 1893, be amended so as to read as follows:

Purposes for which corporations may be formed; corporations formed for dealing in real estate.

Sec. 3235. Corporations may be formed in the manner provided in this chapter for any purpose for which individuals may lawfully associate themselves, except for carrying on professional business; provided, that the articles of incorporation formed for the purpose of buying and selling real estate shall expire by limitation in twenty-five years from the date of being issued by the secretary of state. In case any real estate owned by any such corporation is not sold or disposed of by any such corporation within twenty-four years from the date that their respective articles of incorporation are issued, it shall be forthwith the duty of the board of directors of such corporation to direct, by resolution, any officer of such corporation to institute action against such corporation and owners of liens upon or against such real estate proposed to be sold, by filing a petition in the court of common pleas in the county wherein such real estate is situated, praying for a sale of the real estate in the petition described; and should any such board of directors refuse to direct any officer to institute action as hereinbefore mentioned, and should such action be not instituted within sixty days after the expiration of the twenty-four years hereinbefore mentioned, it shall be the duty of the prosecuting attorney of the county wherein such real estate is situated,

upon the expiration of said sixty days, to institute such action. Service of summons upon the defendants, appraisal and sale of such real estate and distribution of the proceeds of the sale shall be made as provided in actions of foreclosure of mortgages and marshaling of liens; provided, however, the court may allow the plaintiff, in case he be the prosecuting attorney, a just and proper attorney fee, which shall be taxed with the costs of the action. And if the organization is for profit, it must have a capital stock. Such stock may consist of common and preferred, or of common only; and if of both common and preferred, it may be provided in the articles of incorporation that the holders of the preferred stock shall be entitled to dividends not exceeding six per centum per annum out of the surplus profits of the company for each year in preference to all other stockholders, and that they may convert such preferred stock into common stock of the company at their election.

SECTION 2. That said section 3235 of the Revised Statutes of Ohio, as amended April 20, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 6, 1894.  
121G

[House Bill No. 318.]

## AN ACT

To amend section 2235 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2235 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2235. When it is deemed necessary by any municipal corporation to appropriate private property as hereinbefore provided, the council, board of legislation or other legislative body, as the case may be, shall order by a yea and nay vote, of which due record shall be made and kept, a resolution prepared declaring such intent, defining therein the purpose of the appropriation, and setting forth a pertinent description of the property designed to be appropriated; and immediately upon the introduction of such a resolution, and before the passage of the same, the mayor of the corporation shall cause written notice of such resolution to be given to the owner or owners of every piece of property sought to be appropriated, or to his, her, or their authorized agent, if the owner is a non-resident of the county in which the corporation is located, and such

written notice shall be served by an officer of the corporation, designated for the purpose, and return made by such officer in the same manner as is provided by law for the service of summons in civil actions, and in case neither owner nor agent of any property sought to be appropriated can be found, notice shall be given by publication for three consecutive weeks in a paper of general circulation in the corporation; and no action shall be taken upon such resolution until all the owners of property sought to be appropriated shall have had notice as herein provided; and on the passage of such resolution the yeas and nays shall be taken and entered on the record of the proceedings of the council or legislative body; provided, that in cities of the first grade and of the first class, containing a board of legislation and a board of administration, said notices shall not be given or served after said resolution has been ordered prepared unless, nor until after said order is concurred in by said board of administration, nor shall any action be taken after the passage of and under any such resolution unless, nor until after the same has been approved by said board of administration.

Cincinnati.

Repeals etc.

SECTION 2. That section 2235 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 9, 1894.

122G

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[House Bill No. 371.]

## AN ACT

To amend section 2824 of the Revised Statutes of Ohio, as amended April 14, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2824 of the Revised Statutes, as amended April 14, 1892, be and the same is hereby amended so as to read as follows:

Levying taxes.

Levy of taxes  
for county road  
and bridge pur-  
poses

Sec. 2824. The commissioners, at their March or June sessions, annually, may levy on each dollar of valuation of taxable property within their county, for road and bridge purposes, as follows: In a county where the valuation of taxable property exceeds eighty millions and does not exceed one hundred and twenty millions dollars, five-tenths of a mill; where the amount exceeds fifty millions and does not exceed eighty millions dollars, seven-tenths of a mill; where the amount exceeds twenty millions and does not exceed fifty millions dollars, one mill and one-tenth; where the amount exceeds ten millions and does not exceed

twenty millions dollars, one mill and five-tenths; where the amount exceeds five millions and does not exceed ten millions dollars, three mills; and where the amount is less than five millions dollars, five mills and five-tenths; and of the tax so levied the commissioners shall set apart such portion as they may deem proper, to be applied to the building and repair of bridges, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate in a separate column, and shall be collected in money, and expended, except as may be otherwise provided by law, under the direction of the commissioners in building bridges and culverts, or in repairing the same; provided, that in any county containing a city of the first grade of the first class, where the valuation of taxable property exceeds two hundred millions of dollars, the commissioners of said county may levy on each dollar of valuation of taxable property within said county, for bridge purposes exclusively, not to exceed one-half of a mill, which shall be collected in money and placed by the auditor to the credit of the bridge fund of the county, and the same shall be expended by the commissioners in building bridges and culverts, and in repairing and making fills and approaches to the same in the townships outside of the corporate limits of said city, and for no other purpose whatever, except that a portion of said fund collected in the said county, amounting to not less than a levy of one-sixth of a mill on each dollar of valuation of taxable property within said county, in all cases where the board of legislation of said city of the first grade of the first class shall demand it, shall be paid into the city treasury of said city, and shall be expended by the board of administration of said city for the purpose of building and repairing bridges within the corporate limits of the same; provided further, that in case an important bridge belonging to or maintained by any county has been or shall be destroyed or become dangerous to public travel by decay or otherwise, and the restoration thereof is deemed necessary for the public accommodation, the commissioners may levy a special tax for that purpose, not exceeding one mill and five-tenths, the proceeds of which shall be applied solely to such restoration; and the commissioners may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so specially levied or to be levied, at any rate of interest not exceeding six per centum, and issue notes or bonds therefor, payable upon the collection of such special tax; provided further, that in all cities of the second grade of the first class and all cities of the second class, one-half the proportion of said bridge fund collected upon the property within said cities, in all cases where the city council shall demand it, shall be paid into the city treasury, and shall be expended by such city for the purpose of building and repairing bridges; and provided further, that in cities having at the last federal census, or at any subsequent federal census, a population

Bridge fund.

Hamilton county.

Cincinnati.

Special tax to restore important bridge.

Anticipation thereof.

Cleveland and cities second class.

Marietta.



Montgomery  
county.

Dayton.

Trumbull  
county.

Warren.

Repeals, etc.

of 8,273, the whole of the proportion of said bridge fund collected upon the property within said city shall, upon demand of the council of said city therefor, be paid into the treasury of said city, and shall be expended by said city for the purpose of building and maintaining bridges therein; provided further, that the commissioners of Montgomery county shall levy not exceeding one mill and one-tenth for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Dayton, and the proceeds of such levy shall be applied exclusively to roads and bridges outside of said city; and the council of said city may, annually, levy on the taxable property within the same, for bridge purposes, a like tax of one mill and one-tenth in addition to the total aggregate of taxation now authorized by said council, to be expended for building and repairing bridges within said city; and provided further, that the commissioners of Trumbull county may levy not to exceed the rate allowed by law for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Warren, and the proceeds of such levy shall be applied exclusively to road and bridge purposes outside of said city; and the council of said city may annually levy on each dollar of valuation of taxable property within said city for bridge purposes, one and five-tenths of a mill, in addition to the total aggregate of taxation now or hereafter authorized by law, to be expended for the repair and building of bridges within said city, except that in the event that the commissioners of the county transfer from the road and bridge fund to some other fund, the whole or some part of the six-tenths of a mill as now allowed by law, the council of said city shall make a like transfer to the same county fund, and the council of said city may anticipate the whole or some part of the annual levy for said purposes for the period of ten years or less, by borrowing a sum, not exceeding twenty thousand dollars, at a rate of interest not exceeding six per centum, and issue bonds therefor, payable on the collection of said tax. Said last proviso relating to the city of Warren in said Trumbull county, shall expire by limitation after twelve years from the time it becomes a law, and said city shall again become a part of the county for bridge purposes under the general law.

SECTION 2. That said original section 2824, as amended April 14, 1892, be and the same is hereby repealed, and this act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed April 10, 1894.  
123G

[House Bill No. 558.]

## AN ACT

Supplementary to section 475 of the Revised Statutes of Ohio, to provide for official stenographers in the courts of certain counties of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be enacted as supplementary to section 475 of the Revised Statutes, and to be entitled section 475b, the following:

Sec. 475b. That in each county of the state of Ohio containing an incorporated city having a population of not less than 13,400 nor more than 13,600, by the federal census of 1890, or which may have such a population at any subsequent federal census, the judge holding the court of common pleas in such county, at its first session after the passage of this act, shall appoint for the said court of common pleas, a competent stenographer, who shall hold office for the period of three years from his or her appointment, unless sooner removed for cause. It shall be the duty of said stenographer to perform all of the duties of stenographers in circuit courts, common pleas and probate courts provided in this chapter. The official stenographer provided for in this section shall receive a salary of \$500 per year payable quarterly out of the county treasury and it shall be the duty of the auditors of said counties to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county and preserved in the office of such stenographer; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party, his attorneys, or the court, an accurate transcript into longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for, forthwith by the party or parties ordering the same, and the cost of said transcript, if used on appeal or error, to be taxed in the cost and adjudged as the court may direct; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case for his or their own

Court of common pleas:

Official stenographer for Richland county: appointment and term.

Duties.

Salary.

Stenographic notes.

Preference to be given common pleas court

Transcripts.

Costs of transcripts.

Opinions and charges of court.

Fees for making transcripts.

Additional costs for stenographic services.

Repeals.

use, and in criminal cases by the prosecuting attorney. And such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 3. Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to said salary, five cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript of such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other costs in the case and when so collected, to be, by the clerk of the court, paid quarterly into the treasury of the county where earned.

SECTION 4. That the act entitled "An act supplementary to section 475 of the Revised Statutes of Ohio, to provide for official stenographers in the courts of certain counties of the state," passed February 9th, 1891, be and the same is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
124G

[House Bill No. 140.]

## AN ACT

To amend section 5245, Revised Statutes.

Competency of testimony:

How copies of certain public documents made competent evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5245 of the Revised Statutes be amended so as to read as follows:

Sec. 5245. Copies of papers, books and records, or file or deposited, by virtue of any law, in the office of the governor or secretary of state, and certified by the secretary of state under the great seal, or in the office of the board of public works, certified by the president of the board, or in the office of the auditor of state, certified by him under

his seal, or in the office of the surveyor of lands lying within the Virginia military district, certified and sworn to by him, and copies of entries, surveys, and plats of lands in the Virginia military district, procured to be made by the commissioners of any county, and deposited with the recorder of such county, and certified by him, and the copies of such entries, surveys, and plats, now in the office of the auditor of Union county, and copies of any books, maps, records, papers or documents on file or deposited in any of the executive departments of the United States government, authenticated under the seal of such department, shall be competent evidence, and have the same force and effect as the originals would if produced.

SECTION 2. Said original section 5245, Revised Statutes, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
125G

[House Bill No. 214.]

## AN ACT

To amend sections 3212 and 3213 of the Revised Statutes, as amended April 18, 1890 (87, O. L., 222).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3212 and 3213 of the Revised Statutes of Ohio, as amended April 18, 1890 (87, O. L., 222), be so amended as to read as follows: Lien:

Sec. 3212. A person who feeds or furnishes food and care, or either, for any horse, mare, foal, filly, gelding, cattle, sheep, swine, mule or ass, by virtue of any contract or agreement with the owner or person having lawful possession thereof, express or implied, shall have a lien therefor to secure the payment of the same upon such animal. Lien for care of animals.

Sec. 3213. A person feeding or furnishing food and care, or either, for any horse, mare, foal, filly, gelding, cattle, sheep, swine, mule or ass shall retain such animal for the period of ten days, at the expiration of which time, if the owner or the person who had lawful possession of such animal does not satisfy such lien, he may sell such animal at public auction, after giving the owner ten days' notice of the time and place of sale in a newspaper of general circulation in the county where the food was furnished or the care bestowed; and after satisfying the lien and cost that may accrue, any residue remaining shall be paid to the owner of Sale of animal to satisfy claim.

such animal, or person who may be legally entitled to the same.

Repeals, etc.

SECTION 2. That said sections 3212 and 3213, as amended April 18, 1890 (87, O. L., 222), be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 10, 1894.

126G

[House Bill No. 556.]

### AN ACT

To require the use of dry measure in the sale of small fruits.

Legal measure  
for small fruits;  
penalty

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the measure used in the selling of or vending berries and all other small fruits shall be the standard dry measure bushel and fractions thereof, and any person vending or selling such fruits and using a measure other than the standard dry measure, shall be fined not less than ten nor more than fifty dollars.

SECTION 2. This act shall take effect and be in force from and after September 1st, 1894.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 10, 1894.

127G

[Senate Bill No. 25.]

### AN ACT

For the relief of Herman Rose, late corporal of company I, 1st regiment of infantry, Ohio national guard.

Appropriation  
for Herman  
Rose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay to Herman Rose, late corporal of company I, 1st regiment of infantry, Ohio national guard, and now living at Cincinnati, Hamilton county, Ohio, the sum of one thousand dollars (\$1,000), which sum shall be in full liquidation and payment to said Herman Rose for loss through injuries received by him in the line of duty as a member of the Ohio national guard, while aiding in suppressing the riot at Cincinnati in 1884.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
 128G

[Senate Bill No. 29.]

### AN ACT

To amend section 3184, as amended April 18, 1892, and sections 3188, 3193, 3194, 3195, 3197 and 3200, and to supplement section 3185, and to repeal sections 3188, 3196, 3198, 3199, 3201, 3202, 3203 and 3204.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3184, as amended April 18, 1892, and sections 3188, 3193, 3194, 3195, 3197 and 3200 be amended so as to read as follows:

Mechanic's  
 lien:

Sec. 3184. A person who performs labor, or furnishes machinery or material for constructing, altering or repairing a boat, vessel or other water-craft, or for erecting, altering, repairing or removing a house, mill, manufactory, or any furnace or furnace material therein, or other building, appurtenance, fixture, bridge or other structure, or for the digging, drilling, plumbing, boring, operating, completing or repairing of any gas-well, oil-well or any other well, or performs labor of any kind whatsoever, in altering, repairing or constructing any oil-derrick, oil-tank, oil or gas pipe-line, or furnishes tile for the drainage of any lot or land by virtue of a contract with, or at the instance of the owner thereof or his agent, trustee, contractor or subcontractor, shall have a lien to secure the payment of the same upon such boat, vessel or other water-craft, or upon such house, mill, manufactory or other building or appurtenance, fixture, bridge or other structure, or upon such gas-well, oil-well or any other well, or upon such oil-derrick, oil-tank, oil or gas pipe-line and upon the material and machinery so furnished, and upon the interest, leasehold or otherwise, of the owner in the lot or land on which the same may stand, or to which it may be removed.

Property sub-  
 ject to lien.

Sec. 3188. When liens are obtained on the same property by persons performing labor, or furnishing machinery or material, and by the original contractor, the lien of such contractor shall be postponed to the liens of the persons performing the labor, or furnishing machinery or material, and the latter shall have no priority among themselves.

Priority.

Filing of statement by subcontractor, material-man, laborer or mechanic.

Sec. 3193. Any subcontractor, material-man, laborer or mechanic, who has performed labor or furnished material or machinery, who is performing labor or furnishing material or machinery, or who is about to perform labor or furnish material or machinery for the construction, improvement or repair of any turnpike, road improvement or other public improvement provided for in a contract between any board or officer and a principal contractor, and under a contract between any such subcontractor, material-man, laborer or mechanic and a principal contractor or subcontractor, may, at the time of beginning to perform such labor or furnish such material or machinery, or at any time thereafter, not to exceed ninety days from the completion of such labor or delivery of such machinery or material, file with the board or officer, or the authorized clerk or agent thereof, a sworn and itemized statement of the amount and value of such labor performed and to be performed, material or machinery furnished, containing a description of any promissory note or notes that may have been given by the principal contractor or subcontractor on account of said labor, machinery or material, or any part thereof, with all credits and set-offs thereon.

Detention of payments upon receipt of notice.

Sec. 3194. Upon receiving the notice, such board or officer, or authorized clerk, agent or attorney thereof, shall detain in his hands all subsequent payments from the principal or subcontractor to secure such claims and the claims and estimates of other subcontractors, material-men, laborers, mechanics, or persons furnishing materials to or performing labor for any contractor or subcontractor who may intervene before the next subsequent payment under the contract, or within ten days thereafter.

Filing of copy of statement with county recorder; effect of failure.

Sec. 3195. Such subcontractor, material-man, mechanic, laborer or person so filing his statement with the board, officer or authorized clerk or agent or attorney thereof, shall, in order to notify his fellow subcontractors, material-men, mechanics, laborers, and persons furnishing material at the same time, file a copy thereof with the recorder of the county where such property is situate, which if he fail to do the filing of the notice with the board, officer or authorized clerk, agent or attorney thereof, shall give him no preference over other claimants; and for filing or making any copy of such statement or certificate of the date of such filing, the recorder shall be entitled to the same fees as are provided by law for like services in regard to chattel mortgages.

Recorder's fees.

Notice to lienholder to commence suit; effect of failure.

Sec. 3197. The owner of property upon which a lien has been taken under the foregoing sections, may notify, in writing, the owner of the lien, or his agent or attorney, to commence suit thereon, and if he fails to commence the suit within sixty days after receiving such written notice, the lien shall be null and void; but nothing herein contained shall prevent the claim from being collected as other claims are collected by law.

Sec. 3200. In case of a dispute between the head contractor and subcontractor, or between either of them and any person entitled to a lien by virtue of this act, as to the amount of the claim or lien, and the same can not be settled between themselves, it shall be submitted to the arbitration of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen, and their decision, or that of any two of them, shall, in the absence of fraud or collusion, be final and conclusive on the parties.

Arbitration of  
disputed claim.

SECTION 2. That section 3185 be and the same is hereby supplemented as follows:

Sec. 3185a. In all cases where the labor, material or machinery referred to in sections 3184 and 3185, shall be furnished by any person other than the original contractor, with such owner or his agent or trustee, the lien shall not exceed the actual value of the labor, material or machinery so furnished, and the aggregate amount of liens for which the property may be held shall not, in the absence of fraud or collusion between the owner and original contractor, exceed the amount of the price agreed upon between the owner and original contractor for the performing of such labor and the furnishing of such material and machinery. Provided, if it shall be made to appear that the owner and contractor, for the purpose of defrauding subcontractors, material-men or laborers, fixed an unreasonably low price in the original contract for any work or material for which a lien is given under section thirty-one hundred and eighty-four, the court shall ascertain the difference between such fraudulent contract price and a fair and reasonable price therefor, and such subcontractors, material-men and laborers shall have a lien to the amount of such fair and reasonable price so ascertained.

Limitations on  
liens.

Fraudulent con-  
tracts.

SECTION 3. That section 3184, as amended April 18, 1892, and sections 3188, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203 and 3204 be and the same are hereby repealed.

Repeals

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
129G



[Senate Bill No. 156.]

## AN ACT

To amend section 3641 of the Revised Statutes of Ohio, as amended April 11, 1893 (O. L., vol. 90, p. 157), and to amend section 3656 of the Revised Statutes of the state of Ohio, as amended April 23, 1891 (O. L., vol. 88, p. 340).

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 3641 of the Revised Statutes of Ohio, as amended April 11, 1893, and section 3656 of said statutes, as amended April 23, 1891, be so amended as to read as follows:

**Sec. 3641.** A company organized under this chapter may:

*First*—Insure houses, buildings and all other kinds of property against loss or damage by fire and lightning and tornadoes, in and out of the state, and make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be.

*Second*—Make insurance on the health of individuals and against personal injury, disablement or death, resulting from traveling or general accidents by land and water; make insurance against loss or damage resulting from accident to property, from cause other than by fire or lightning; guarantee the fidelity of persons holding places of public or private trust, who may be required to, or do, in their trust capacity, receive, hold, control or disburse public or private moneys or property; guarantee the performance of contracts other than insurance policies, and execute [and] guarantee bonds and undertakings required or permitted in all actions or proceedings, or by law allowed.

*Third*—Make insurance on the lives of horses, cattle or other live stock against loss by death caused by accident, disease, fire or lightning, and against loss by theft and damage by accident; provided, that such company shall have a capital of one hundred thousand dollars, with at least twenty-five (25) per cent. of the capital stock paid up.

*Fourth*—Receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds and all kinds of personal property; lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects; but no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of said purposes shall issue policies of insurance of any other; provided, however, that no company, organized under the laws of this state to transact the business of

Insurance companies other than life:

Powers of companies.

Limitations.

Deposit required of guaranty companies.

guaranteeing the fidelity of persons holding places of public or private trust, or of executing and guaranteeing bonds and undertakings, as aforesaid, shall commence business until it has deposited with the superintendent of insurance two hundred thousand dollars in securities permitted by sections 3637 and 3638 of the Revised Statutes, which shall be held by said superintendent for the benefit and security of all the policy-holders of the company, and which shall not be received by the said superintendent at a rate above their par value; nor shall a company, organized under the laws of another state, be licensed to transact any such business in this state unless at least two hundred thousand dollars of its assets are invested in securities permitted by sections 3637 and 3638 of the Revised Statutes of this state, and such securities are deposited with the superintendent of insurance of this state, or the superintendent of insurance or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such securities are deposited with the superintendent of insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer under his hand and official seal that he, as such officer, holds in trust and on deposit for the benefit of all the policy-holders of such company the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least two hundred thousand dollars; and in addition to such certificate such company shall deposit and maintain with the superintendent of insurance of this state thirty thousand dollars for the purpose of paying any judgment obtained against them in this state, in securities as permitted by sections 3637 and 3638 of the Revised Statutes of this state, and the securities so deposited with the superintendent of insurance may be exchanged from time to time for other like securities, and so long as the corporation depositing the securities shall continue solvent and comply with the laws of this state it shall be permitted by the superintendent of insurance to collect the interest or dividend on such deposit; provided, also, that any company which shall execute any bond as surety under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

Denial of corporate power barred.

Sec. 3656. No company, association or partnership, incorporated, organized or associated under the laws of any other state of the United States, or of any foreign government, for any of the purposes mentioned in this chapter, which does a banking or any other kind of business in connection with insurance, shall, directly or indirectly, transact any business of insurance in this state, nor shall any such company, association or partnership do any such business in this state until it procures from the superin-

Foreign companies, associations and partnerships excluded.

Certificate of authority.

License of  
agent.

Capital stock.

Deposit by live  
stock company.

Mutual fire com-  
pany.

Repeals, etc.

tendent a certificate of authority so to do; nor shall any person or corporation act as agent in this state for any such company, association or partnership, directly or indirectly, either in procuring applications for insurance, taking risks or in any manner transacting the business of insurance, until it procures from the superintendent a license so to do, stating that the company, association or partnership has complied with all the requirements of this chapter applicable to such company, and depositing a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent or agents is established; nor shall any company, association or partnership organized under the laws of any other state, take risks or transact business of insurance in this state, directly or indirectly, unless possessed of the amount of actual capital required by similar companies formed under the provisions of this chapter, nor unless the capital stock of the company is paid up and invested as required by the laws of the state where it was organized, and if a live stock insurance company has deposited in such state or in this state, for the benefit of its policy-holders, securities approved by the insurance department of such state in an amount equal to one-fourth of its entire capital stock; but if the company is a mutual fire insurance company, it shall have actual cash assets of the same amount and description as is required of mutual fire insurance companies of this state, after organization, invested as required by the law of the state where such company was organized, and such companies must have either premium notes or contingent liability of the same amount as is required of similar fire insurance companies of this state, which contingent liability may be either in writing or be expressed in the policies issued by such company.

SECTION 2. That section 3641, as amended April 11, 1893, and said section 3656, as amended April 23, 1891, are hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.

130G

[Senate Bill No. 198.]

## AN ACT

To amend section 649 of the Revised Statutes.

Officers of be-  
nevolent insti-  
tutions:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 649 of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows:

Sec. 649. Under the direction of the superintendent, the financial officer of each institution shall purchase all its supplies, upon the best possible terms and lowest cash value. But before making such purchase, he shall submit to the board of trustees at their monthly meeting, a detailed estimate, showing the requirements of the institution for the following month. Such statement must show the approximate amounts necessary to be expended by such financial officer in his department, for which money has been appropriated by the general assembly, and the special purpose for which it is to be used, including the cost, as nearly as can be determined, of the articles to be purchased or repairs to be made. Before such estimate shall be submitted to such board, it shall be approved by the superintendent of each institution, signed by him and the financial officer thereof. He shall also see that the grounds, buildings, and all other property belonging to the state are properly preserved and kept in order, and shall perform such other duties as are assigned him by the superintendent.

Purchase of  
supplies;  
monthly esti-  
mates.

Care of grounds,  
buildings, etc.

SECTION 2. Said original section 649 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
131G

[Senate Bill No. 205.]

## AN ACT

To amend section 5301 of the Revised Statutes of Ohio, as amended April 19, 1893 (O. L., vol. 90, page 203).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5301, as amended April 19, 1893 (O. L., vol. 90, page 203), be amended so as to read as follows:

Exceptions:

Sec. 5301. When the decision is not entered on the record, or the grounds of the objection do not sufficiently appear in the entry, or the exception is to the decision of the court on a motion to direct a nonsuit, or to arrest the testimony from the jury, or for a new trial for misdirection by the court to the jury, or because the verdict, or if a jury is waived, the finding of the court is against the law and the evidence, or on the admission or rejection of evidence, the party excepting must reduce his exceptions to writing and present the same to the trial judge or judges for allowance within fifty days after the overruling of the motion for a new trial, or the decision of the court where a motion for

When bill of  
exceptions  
must be pre-  
sented for al-  
lowance.

In case of absence, sickness, death, expiration of term or other disability of trial judge or judges.

a new trial is not necessary; provided, that in case the trial judge or judges be absent from the district or circuit when such bill of exceptions is so prepared for allowance, then the same may be deposited within said fifty days with the clerk of the court for the examination and allowance by such trial judge or judges, who shall be required to sign the same, if correct, on or before the fifth day of the term of the court next ensuing after the expiration of said fifty days; and provided further, that in case the trial judge of any district is sick and unable to attend to such signing, or in case of the death of such trial judge, or expiration of term of office or other disability, then such bill of exceptions so prepared for allowance may be presented to any judge of such district, and upon examination of the same and being satisfied that the same is correct, shall sign the same on or before the expiration of said fifty days. This provision shall be held to apply to cases pending, and to cases pending for the allowance of a bill of exceptions upon the passage of this act.

Pending cases.

Repeals.

SECTION 2. That said original section 5301, as amended April 19, 1893, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.

132G

[House Bill No. 309.]

## AN ACT

To amend section 845 of the Revised Statutes of Ohio as amended April 8, 1881.

County commissioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 845 of the Revised Statutes of Ohio, as amended April 8, 1881, be amended so as to read as follows:

General powers and duties; liability for damages.

Sec. 845. The board of commissioners shall be capable of suing and being sued, pleading and being impleaded in any court of judicature, and of bringing, maintaining and defending all suits, either in law or in equity, involving an injury to any public state or county road, bridge or ditch, drain or watercourse established by such board in their county, and for the prevention of injury to the same and any such board of county commissioners shall be liable in their official capacity for any damages received by reason of the negligence or carelessness of said commissioners in keeping any such road or bridge in proper repair; and to ask, demand and receive, by suit or otherwise, any real



estate or interest therein, whether the same is legal or equitable, belonging to their county, or any sum or sums of money or other property due to such county, and the money so recovered in any case shall be by them paid into the treasury of the county, and they shall take the treasurer's receipt therefor and file the same with the auditor of the county; and the commissioners are authorized and empowered in all suits, either in law or equity, brought by or against them in their official capacity, relating to any of the duties required by law to be performed by them, to employ counsel, not exceeding two, to prosecute or defend in any such case or cases, and to allow and pay such counsel out of the county treasury, reasonable fees for such services performed by them, but the fees so paid to such counsel shall not exceed in the aggregate the sum of two hundred and fifty dollars in any one case; and the provisions of this section shall not apply to any county in which there is a county solicitor or a board of control having a solicitor; but the commissioners shall not employ or pay an attorney, except as herein provided and as provided in section 1274.

SECTION 2. Said original section 845 of the Revised Statutes of Ohio, as amended April 8, 1881, is hereby repealed, and this act shall take effect and be in full force from and after its passage.

Repeals, etc

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
133G

[House Bill No. 324.]

## AN ACT

To amend section 4567b of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4567b of the Revised Statutes be and the same is hereby amended so as to read as follows:

Removal of  
mill-dams:

Sec. 4567b. All applications by the owners of lands adjoining or adjacent to any such stream shall be by filing with the county auditor a petition signed by at least two-thirds of said owners, stating the necessity for such improvement and the removal of said mill-dam or mill-dams, together with a sufficient bond with sureties to the acceptance of the county auditor, conditioned to pay all expenses incurred in case the county commissioners refuse to grant the prayer of the petition; and thereupon, the county auditor shall give notice to the commissioners of the filing and pendency of the petition, and the commissioners shall immediately designate a time and place when and where they

Petition and  
bond.

Notice to com-  
missioners;  
designation of  
time and place  
for hearing, etc

Notice to land-  
owners

Adjournment  
of hearing; or-  
der for notice  
to be given, etc.

Repeals, etc.

will meet to hear the petition and complete their proceedings thereon, and the principal petitioner shall cause notice in writing to be given to the owners of each of said tracts of land sought to be affected by said proceedings, of the filing and pendency and time of hearing of the petition, which notice shall be served not less than ten days before the day fixed for hearing thereof, and said original notice, duly verified, shall be filed with said auditor on or before said day of hearing. On the day set for the hearing, if it appear to the commissioners that any person who is interested in such improvement, and in the removal of said mill-dam or mill-dams has not been duly notified as required by the preceding section, or that any requisite preliminary steps have not been taken, they shall adjourn said hearing to some future time, not exceeding twenty days, and shall order such notice to be given, or said preliminary steps to be taken.

SECTION 2. Said section 4567b of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
134G

[House Bill No. 327.]

## AN ACT

To repeal an act entitled "An act to provide for draining and reclaiming the swamp and overflowed lands granted to the state of Ohio by act of congress, approved September 28, 1850."

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to provide for draining and reclaiming the swamp and overflowed lands granted to the state of Ohio by act of congress, approved September 28, 1850," passed March 2, 1853 (51 v., 357), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
135G

[ House Bill No. 373.]

## AN ACT

To amend section 2754 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2754 of the Revised Statutes of Ohio be amended so as to read as follows:

Listing personal property:

Sec. 2754. Every dog over three months of age shall be listed, either by the owner or by the assessor in the name of the owner, without affixing any valuation thereto; but the owner may, if he so desire, affix any value thereto he wishes, without swearing to the valuation. Every person who keeps or harbors a dog or dogs, or who knowingly permits the keeping or harboring of a dog or dogs upon his or her premises, shall for the purpose of such listing and taxation be deemed the owner thereof; and the assessor shall ascertain the owner or harbinger of every dog within his territory, and for this purpose may examine under oath any person or persons he may think proper.

Listing of dogs.

SECTION 2. The said original section 2754 is hereby repealed, and this act shall take effect and be in force on and after its passage.

Repeals, etc.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.

136G

[House Bill No. 399.]

## AN ACT

To authorize the leasing of certain lands to the Valley railway company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the canal commission, board of public works and its chief engineer, sitting in joint session, be and they are hereby authorized to lease to the Valley railway company, its successors and assigns, the following described lands: Situate in the city of Akron, county of Summit and state of Ohio, and known as part of lots "L," "R," "U" and "G" of the town plat of North Akron, as recorded in Portage county records, book "U," pages 555 to 566, and as also recorded in the county of Summit, in book known as "plats transcribed from Portage county," page 67, and record of said plat in volume one (1), page 67, in said county of Summit, beginning at a point in the south line of land owned by the American cereal company in said lot "L" north 89 degrees west 118.75 feet from an iron pin driven in the west line of Howard street, said iron pin marking the northeast corner of land owned by one James

Leasing of certain lands to the Valley railway company.



Christy; thence north 43 minutes east 50 feet; north 5 degrees 18 minutes west 25 feet; north 13 degrees 49 minutes west 25 feet; north 20 degrees 59 minutes west 25 feet; north 25 degrees 23 minutes west 20 feet; thence north 31 degrees 23 minutes west 57.40 feet to a point, which point is 28.77 feet from the center of lock No. 5 of the Ohio canal, and opposite the upper hollow quoins of said lock; thence continuing in same course 122 feet to an iron pin driven in the southerly line of Ash street, said pin being 28.85 feet measuring along said southerly line of Ash street from the center of the Ohio canal; thence south 58 degrees 37 minutes west along southerly line of Ash street 13 feet to a point; thence southerly on a line parallel to and 13 feet distant westerly from the foregoing bearings and distances, excepting the last named along Ash street, to the said southerly line of the American cereal company's land produced westerly; thence south 89 degrees east along said line produced westerly 13 feet to the place of beginning, and contains 96-1000 of one acre of land, of which 48-1000 is in lot "R" and 48-1000 is in lot "L" aforesaid. Also another certain parcel beginning at a point in the northerly line of Ash street in said North Akron plat, north 58 degrees 37 minutes east 33 feet from the center of the Ohio canal; thence north 27 degrees 17 minutes west 50 feet; north 19 degrees 42 minutes west 50 feet; north 11 degrees 17 minutes west 50 feet; thence north 5 degrees 42 minutes west 36 feet to the north line of lot "U," said point being 72 feet measuring along said north line of lot "U" from the northwest corner thereof; thence north 56 degrees west  $22\frac{1}{2}$  feet to a point in lot "G;" thence south 5 degrees 42 minutes east about 25 feet to the said southerly line of lot "G;" thence in a southerly direction on lines parallel to and 18 feet westerly from the above described bearings and distances across said lot "U" to the northerly line of Ash street, said last named point being 15 feet from the center of the Ohio canal; thence north 58 degrees 37 minutes east along the northerly line of Ash street 18 feet to the place of beginning, and containing in all 81-1000 of one acre of land, of which 5-1000 is in lot "G" and 76-1000 is in lot "U" aforesaid.

**Terms of lease.** for a term not exceeding fifteen years, upon an annual rental of not less than \$270 per year, from June 16, 1892, and all arrears of rentals must be paid on the first day of May 1894, and all rentals due hereafter, payable in semi-annual instalments of \$135 each on the first days of May and November in each year, in advance, from the beginning of such lease for and during the term thereof, conditioned, however, that the balance of the term of such lease shall be forfeited in case that any instalment of rent shall be in arrears for ten days after the same may be or become due.

**Disposition of proceeds.**

**SECTION 2.** That all moneys accruing from such lease shall be paid to the collector of rents and tolls at Akron, Ohio, or such agent as the state may authorize, and

shall, when collected, be by him paid into the state treasury for the benefit of the Ohio canal.

SECTION 3. A joint resolution entitled "Joint resolution providing for the appraising and leasing of certain lands," adopted April 25, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
137G

[House Bill No. 438.]

### AN ACT

To amend section 2495 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2495 of the Revised Statutes of Ohio be amended so as to read as follows:

Ordinance to light bridge or railway:

Sec. 2495. The ordinance shall specify the manner in which such bridge or railway shall be lighted, the number and style of lamp-posts, gas-posts, electric lights or other lights and fixtures and the time such lights shall be kept burning in each twenty-four hours.

Character of the ordinance.

SECTION 2. That said original section 2495 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
138G

[House Bill No. 544.]

### AN ACT

To amend section 6307 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 6307 of the Revised Statutes of Ohio be amended so as to read as follows: Guardian:

Sec. 6307. The guardian of any idiotic, imbecile or insane person, who has or is supposed to have a right of dower, or a contingent right of dower, in any lands or tenements, of which the husband or wife of such person was seized as an estate of inheritance, or in any land held by bond, Sale, compromise or adjustment of dower of idiotic, imbecile or insane person by guardian.

article, or other evidence of claim, where the dower has not been assigned, shall have power to sell, compromise, or adjudge just the same upon such terms as he shall deem for the interest of such person, and as the probate court of the county in which the guardian was appointed shall approve; and after such approval, the guardian may execute and deliver all the needful deeds, releases and agreements for the sale, compromise, or assignment of such dower, or contingent right of dower.

Repeals etc.

SECTION 2. That section 6307 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect on and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

THOMAS H. McCONICA,

*President pro tem. of the Senate*

Passed April 13, 1894.

139G

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[House Bill No. 577.]

## AN ACT

To supplement section 4239 of the Revised Statutes of Ohio.

Fences:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4239 of the Revised Statutes of Ohio be supplemented with an additional section, with sectional numbering as follows:

Barbed wire  
partition fence;  
penalty.

Sec. 4239a. No person or corporation shall construct or cause to be constructed, in whole or in part, a partition fence, from barbed wire, unless the written consent of the owner or lessee for three or more years of the premises be first obtained. Whoever constructs or causes to be constructed a barbed wire partition fence without the consent contemplated in this section, shall be fined not more than one hundred dollars nor less than ten dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

THOMAS H. McCONICA,

*President pro tem. of the Senate*

Passed April 13, 1894.

140G

[House Bill No. 594.]

## AN ACT

To provide for the payment of the expenses of Byron M. Clendenning in the contest of Wm. F. Conley against Byron M. Clendenning.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated out of the general revenue fund of the state not already appropriated the sum of two hundred and ninety-six dollars and ninety-two cents (\$296.92), for the purpose of defraying the expenses of Byron M. Clendenning, member of the house from Mercer county, in the election contest of Wm. F. Conley against Byron M. Clendenning; and the auditor of state is hereby directed to draw his warrant on the treasurer of state in favor of said Byron M. Clendenning for said amount.

Appropriation  
for Byron M.  
Clendenning.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.

141G

[House Bill No. 595.]

## AN ACT

To allow township trustees to receive property by devise or bequest for the care of cemetery lots.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the trustees of any township in this state to receive by gift, devise, bequest, or otherwise, any money, securities or other property in trust, as a permanent fund to be held and invested by said trustees, and their successors in office, and the income derived therefrom to be used and expended by them, under their direction, in the care, improvement and beautifying of any burial-lot designated and named by the person making such gift, devise or bequest, situated in any township cemetery over which such trustees have jurisdiction; and the said trustees and their successors shall have power and authority, and it shall become their duty to invest said fund in interest-bearing securities, with interest payable annually or semi-annually, and the principal as the same becomes due, in their names as such trustees, to the treasurer of such township and from time to time change the said investment as the interest of the said trust may demand, and to collect the interest dividends, or other income, as the same become due and payable; and from the said income the said trustees and their successors shall first pay the cost and expense

Permanent fund  
for care of cem-  
etry lot: powers  
and duties of  
township trust-  
tees as to such  
trust.



Exemption  
from taxation.

Duties and lia-  
bility of town-  
ship treasurer

Actions, etc.

Compensation  
of trustees and  
treasurer.

connected with the trust, and the balance shall be used and expended, under the direction of said trustees, in the proper care and beautifying of said burial-lot; and the said trustees shall, from time to time, as may be necessary, draw warrants on the township treasurer to pay for the same, which shall be paid out of said income funds, and not otherwise. Said gift, devise or bequest and income derived therefrom shall be exempt from taxation, the same as other cemetery property.

SECTION 2. The township treasurer shall keep accurate and separate account of the said investments and of the income derived therefrom, and of all disbursements of the same, which shall be open to inspection at all reasonable times, and shall be approved by the trustees at each annual meeting of their board. All moneys, securities and other property shall be and remain in the care and custody of the township treasurer and his successors in office, and he and his sureties shall be liable upon the official bond for the safe-keeping and proper accounting for the same, as he is for other money coming into his hands as such treasurer, belonging to said township. For any purpose connected with the said trust, the said trustees and their successors shall have full power to commence any action at law, or in equity, in any court, or to make any defense therein necessary to the execution of said trust.

SECTION 3. The trustees and treasurer and their successors shall receive the same compensation for services connected with said trust as they now receive for similar services.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
142G

[House Bill No. 442.]

## AN ACT

To provide for the reërection of memorial statuary and Ohio booths, cases, exhibits, etc., returned from the Columbian exposition at Chicago, and make appropriation therefor.

Committee to re-  
rect fixtures,  
etc., returned  
from world's  
Columbian ex-  
position.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of the state, the president of the state board of agriculture and the president of the board of world's fair managers for Ohio, be and they are hereby created a committee to reërect in the buildings on the Ohio state fair-grounds all booths, cases, stands, cabinets and fixtures delivered in bulk, and prepare the same

for displaying the Ohio exhibits made at the Columbian exposition, in accordance with the provisions of an act passed April 25, 1893, entitled "An act to provide for the disposition and care of fixtures and exhibits in the Ohio departments at the world's Columbian exposition."

**SECTION 2.** For the purpose of carrying out the provisions of section 1 of this act, and to defray the expense of reërecting the memorial statuary, "these are my jewels," there is hereby appropriated from the general revenue fund of the state, not otherwise appropriated, the sum of fifteen hundred (\$1,500) dollars, said appropriation to be paid as follows: For the reërection of statuary, six hundred (\$600) dollars, or such portion thereof as may be necessary, on vouchers approved by the committee having charge of the location and erection of said statuary; and for the reërection of booths, cases, stands, cabinets and fixtures on the state fair-grounds, the sum of six hundred (\$600) dollars, or such portion thereof as may be necessary, on vouchers approved by the committee provided in section 1 of this act.

Appropriation.

**SECTION 3.** This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
143G

[House Bill No. 532.]

## AN ACT

To amend sections 4513 and 4527 of the Revised Statutes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 4513 and 4527 be amended so as to read as follows:

Township  
ditches:

**Sec. 4513.** If the trustees of any township have occasion to exercise the power conferred upon them by this chapter, they shall authorize the clerk of such township to purchase a sufficient number of printed blanks for all petitions, notices, certificates, statements and bonds, which are necessary to be filed or given, and one ditch journal, to be paid for out of the township fund; but nothing in this section shall be taken to prevent the use of written petitions, bonds, certificates, notices or other papers provided for in this chapter.

Purchase of  
blanks and jour-  
nal; written  
petitions, etc.

**Sec. 4527.** The following fees shall be considered lawful allowances for locating and establishing ditches under this chapter: Township trustees, one dollar and fifty cents per day each; township clerk, for recording proceedings of

Fees of officers  
and others.

trustees, ten cents per hundred words; for apportioning cost of locating and recording the same, twenty-five cents; for each notice or statement, ten cents per hundred words; chainmen and axmen, each one dollar per day; engineer, four dollars per day for locating, and three dollars per day for making plat, profile and specifications.

Repeals etc.

SECTION 2. Said sections 4513 and 4527 are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 17, 1894.

144G

[House Bill No. 592.]

### AN ACT

To supplement section 897 of the Revised Statutes of Ohio, as amended April 24, 1893.

County commis-  
sioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 897 of the Revised Statutes, as amended April 24, 1893:

Duties and  
salary in Henry  
county.

Sec. 897e. In counties which by the last preceding federal census had a population of not less than 25,050 nor more than 25,100, or which at any subsequent federal census may have such population, each county commissioner shall devote his entire time to the duties of his office, and shall receive a salary at the rate of one thousand dollars per annum, to be paid in monthly instalments upon the warrant of the county auditor; said salary shall be in full payment for all services rendered, mileage or expenses incurred.

SECTION 2. This act shall take effect and be in force from and after January 1, 1895.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 17, 1894.

145G

[House Bill No. 741.]

### AN ACT

To amend section 4446c of the Revised Statutes of Ohio, as amended April 27, 1893 (O. L., vol. 90, page 326).

SECTION 1. *Be it enacted by the General Assembly*

of the State of Ohio, That section 4446c of the Revised Statutes of Ohio, as amended April 27, 1893, be so amended as to read as follows:

Fertilizers:

Sec. 4446c. The manufacturer, importer or agent of any commercial fertilizer shall pay, annually, on or before the first day of May, a license fee of twenty dollars on each brand for the privilege of selling or offering for sale within the state, said fee to be paid to the secretary of the Ohio state board of agriculture; provided, that whenever the manufacturer or importer shall have paid the license fee herein required, for any person acting as agent for such manufacturer or importer, such agent shall not be required to pay the fee named in this section.

Manufacturer importer or agent to pay license.

SECTION 2. That said section 4446c of the Revised Statutes of Ohio, as amended April 27, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
146G

[ Senate Bill No. 42.]

## AN ACT .

To supplement and amend section 6968 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6968 of the Revised Statutes of Ohio be supplemented and amended as follows:

Offenses against public policy:

Sec. 6968c. No person shall, in any of the reservoirs having an area less than 15,000 acres of land belonging to the state of Ohio, catch fish in any manner except with hook and line with bait or lure; but nothing herein shall be construed to permit the catching of fish with a trot-line, or gill-net, which is hereby prohibited in all the waters herein mentioned.

Catching of fish in state reservoirs.

SECTION 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars and cost of prosecution; and in default of payment, shall be imprisoned in the county jail not less than ten days.

Penalty.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeals.



SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
 147G

[Senate Bill No. 126.]

## AN ACT

To provide for annual reports of railroad companies to the commissioners of railroads and telegraphs, and providing means for maintaining police supervision of said roads.

Additional  
 statements, etc.,  
 required of rail-  
 road and tele-  
 graph com-  
 panies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every railroad company and telegraph company incorporated or doing business in this state, or which shall hereafter become incorporated and do business under any general law in this state, shall, in addition to the reports already required by law, on or before the first day of September in each year, make and transmit to the commissioner of railroads and telegraphs a full and true statement under oath of the proper officers of said corporation, of the affairs of the said corporation as the same existed on the 30th day of the preceding June. Such statement shall be in the form and manner as may be prescribed by the said commissioner of railroads and telegraphs. The commissioner shall prepare and furnish each railroad company, or to each organization having one or more railroads in charge, and to each telegraph company or general manager thereof in the state, blank forms for making the report required herein, and the said commissioner may at any time make and propound to such railroad companies any additional interrogatories which to him may seem necessary. When any report is defective, or appears to be erroneous, the said commissioner shall notify the corporation to amend the same in the matter or matters named and make return of the same within fifteen days. Every railroad corporation shall, within a reasonable time after their road shall be constructed, and at any other time when required by said commissioner, cause to be made a map and profile thereof and file the same with the commissioner; every such map shall be drawn on a scale and certified and signed by the president or engineer of such corporation. Every railroad company and telegraph company shall make out under oath and file with said commissioner of railroads and telegraphs, on or before the first day of September of each year, a true list of the names of each and every stockholder, giving the number of shares owned by such stockholder, together with his post-office address.

Expenses to be borne by railroad companies.

SECTION 2. That for the purpose of maintaining the department of commissioner of railroads and telegraphs, and expenses incident to the same, and for the purpose of exercising police duties and supervision of railroads and telegraphs of the state in the interest of public safety, the annual total expenses of said commissioner of railroads and telegraphs, including the salary of said commissioner, clerk, inspector, engineer, experts and additional clerical force, and other expenses incident to said office and officer, not exceeding the sum of \$15,000, shall be borne by the several corporations owning or operating railroads within this state, according to their means, to be apportioned by the state board of equalization, who shall, on or before the first day in each year, assess upon each of said corporations its just proportion of said expenses in proportion to its gross earnings from operations for the next year preceding that in which the assessment is made. Such assessment so made by the state board of equalization shall, forthwith, be certified to the several railroad companies by the auditor of state, and on or before the next following first day of August in each year the said railroad companies shall pay the amount of the assessment so apportioned to them by the auditor of state, who shall cover the same into the state treasury as a special fund for the maintenance of the said office of commissioner of railroads and telegraphs, and expenses incident thereto.

SECTION 3. That any railroad company or telegraph company violating any of the provisions of this act, shall forfeit and pay to the state of Ohio the sum of \$1,000, and \$25 per diem for every day that said company refuses, neglects or fails to comply with the requirements of this act, which forfeiture and fine shall not release said company from the assessments herein provided for. Penalty.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.

148G

[Senate Bill No. 186.]

### AN ACT

To supplement section 3751 of the Revised Statutes, relating to how certain boards of colleges and universities may be constituted and governed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3751 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows: Colleges, etc.:

Increase in  
number of trus-  
tees of certain  
corporations.

Sec. 3751a. The board of trustees of any university or college heretofore incorporated, and now under the patronage of one annual conference or synod or other religious body of any religious denomination, may increase the number of its trustees, not exceeding six; said additional trustees to be nominated by the collegiate alumni of such university or college from the collegiate alumni of three years' standing, for appointment or election by such patronizing conference or synod, under such regulations as may be prescribed by such board of trustees; provided, that the board of trustees of such university or college shall so determine to increase the number of its trustees and adopt such regulations for their nomination, by resolution adopted at any regular meeting of such board and duly entered on the record of its proceedings; and, provided further, that such patronizing or governing conference or synod shall consent to such increase of said board of trustees and the rules and regulations for the nomination of the same. And after such board of trustees is so increased by the election of any additional trustees, not exceeding six, the board of trustees shall in all respects be organized, constituted, regulated and perpetuated pursuant to and under the provisions of the charter and said provisions; but no rights acquired by any such board or any such university or college, under its charter or any law of this state, shall in any way be affected or impaired thereby.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
149G

[Senate Bill No. 191.]

## AN ACT

To amend sections 1 and 4 of an act entitled "An act to create the office of dairy and food commissioner," passed May 8, 1886, as amended May 1, 1891, March 29, 1892, and April 16, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 4 of an act entitled "An act to create the office of dairy and food commissioner," passed May 8, 1886 (vol. 83, page 120), as amended May 1, 1891 (O. L., vol. 88, pp. 496 and 497), and as amended March 29, 1892, and April 16, 1892 (89, O. L., 359), be amended so as to read as follows:

Dairy and food  
commissioner:

Ohio dairy and  
food commis-  
sioner; election

(8035—272) Sec. 1. That there is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected at the general election held

on the first Tuesday after the first Monday in November, A. D. one thousand eight hundred and ninety-six. He shall take his office on the first Tuesday following the nineteenth day of February next after his election, and shall serve for two years, and until his successor is elected and qualified. He shall be charged with the enforcement of all laws against fraud and adulteration or impurities in foods, drinks or drugs, and unlawful labeling in the state of Ohio. His salary shall be two thousand dollars (\$2,000) per year, and his necessary and reasonable expense incurred in the discharge in his official duties, to be paid in monthly instalments at the end of each calendar month.

(8035—275) Sec. 4. Said commissioner may appoint not to exceed two assistant commissioners, whose salaries shall be one thousand dollars per year, and necessary traveling expense incurred in the discharge of their official duties, to be paid in like manner with the commissioner, and on itemized vouchers approved by said commissioner. The [said] commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount appropriated for such purposes. All vacancies in the office of food and dairy commissioner shall be filled by appointment of the governor until the next general election, when the same shall be filled as in the original election. All fines assessed and collected under prosecutions begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury, and be credited to a fund hereby appropriated for the commissioner. The center room on the north side of the southwest corridor in the capitol building, now occupied by the dairy and food commissioner, is set apart for his use, wherein shall be kept the books, records and other property of the office. He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make annual report to the governor, containing itemized statements of all receipts and disbursements and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the reports of other state officers.

SECTION 2. That sections 1, 4, 5 and 6 of an act entitled "An act to create the office of dairy and food commissioner," passed May 8, 1886 (Ohio L., vol. 83, page 120), as amended May 1, 1891 (O. L., vol. 88, pp. 496 and 497), as amended March 29, 1892, and April 16, 1892 (89, O. L., 359), and all laws and parts of laws not in accordance with

Term.

Duties.

Salary and expenses

Assistant commissioners.

Experts, chemists, agents, inspectors and counsel

Payment of expenses, etc.; limitation.

Vacancies in office of commissioner.

Disposition of fines collected.

Office, seal, stationery and supplies.

Annual report.

Repeals.

Term of present  
commissioner.

the provisions of this act are hereby repealed; but no such repeal and no provisions of this act shall affect the term of the present dairy and food commissioner elected under the act of May 1, 1891.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
150G

[Senate Bill No. 287.]

### AN ACT

To amend section 1808 of the Revised Statutes of Ohio, as amended February 10, 1892 (vol. 89, Ohio laws, page 19).

Clerk of police  
court: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1808 of the Revised Statutes of Ohio, as amended February 10, 1892, be so amended as to read as follows:

Bond and com-  
pensation.

Sec. 1808. He shall give such bond, with sureties, as may be required by the council and county commissioners, and shall receive for his services, in cities of the first class, second grade, in city cases, a fixed salary, to be prescribed by ordinance of the council, of not less than twelve hundred dollars nor more than two thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding twelve hundred and fifty dollars per year; and in cities of the third grade and third grade *a*, of the second class, in city cases, a fixed salary, to be prescribed by ordinance of the council, of not less than six hundred dollars nor more than one thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding two hundred dollars per year.

Repeals, etc.

SECTION 2. That said original section 1808, as amended February 10, 1892, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
151G

[House Bill No. 207.]

## AN ACT

To amend and supplement section 4451 and to amend sections 4452 and 4460 and to repeal sections 4457 and 4458.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4451, 4452 and 4460 be amended so as to read as follows, and that supplementary section 4451a be enacted as follows:

Sec. 4451. The petition shall be filed with the county auditor and shall set forth the necessity and benefits of the improvement and describe the beginning, route and termini thereof. It shall also contain the names of all persons and corporations either public or private, who in the opinion of the petitioner or petitioners are in any way affected or benefited thereby, and [there] shall be filed therewith a bond, subject to the approval of said auditor, payable to the state of Ohio, with at least two sufficient sureties, in not less than two hundred dollars, conditioned for the payment of all costs if the prayer of the petition be not granted or be dismissed for any cause. Should the names of any person or corporation, either public or private, who are in any way affected by the proposed improvement, be omitted from the petition, it shall be the duty of the commissioners, when they discover that such omission has been made, to supply such names, and cause notice to be served as herein provided.

County ditches:

Filing and contents of petition.

Bond.

Names omitted from petition.

Sec. 4451a. Said auditor shall thereupon give notice to the commissioners of the filing of said petition, together with a copy thereof. He shall fix a day for the hearing of the same—not more than thirty days from the date of said notice. He shall prepare and deliver to said petitioners, or any one of them, a notice in writing, directed to the lot or landowners and to the corporations either public or private affected by said improvement, setting forth the substance, pendency and prayer of such petition, a copy of which notice shall be served upon each lot or landowner or left at his or her usual place of residence, and upon an officer or agent of each public or private corporation having its place of business in the county, at least fifteen days before the day set for hearing, and the person who serves such notices shall make return on the notice, under oath, of the time and manner of service and file the same with said auditor on or before that day. Said auditor shall, at the same time, give a like notice to each non-resident lot or landowner by publication in a newspaper, printed and of general circulation in the county, at least two weeks before the day set for hearing, which notice shall be verified by affidavit of the printer, or other person knowing the fact, and filed with said auditor on or before that day, and no further notice of said petition or the proceedings had under the same shall thereafter be required.

Notice of filing of petition; day for hearing; notice to landowners and corporations.



Hearings by  
commissioners.

Sec. 4452. Said commissioners shall meet at the place of beginning of said ditch as described in the petition on the day so fixed, as aforesaid, and hear any and all proof offered by any of the parties affected by said improvement and other persons competent to testify and determine the necessity thereof; and may adjourn from time to time and to such place as the necessity of the work may require; and in case said commissioners find for said improvement, they shall fix a day for the hearing of application for any appropriations of land taken for said improvement and damages said parties affected by said improvement, or any of them, may sustain thereby, and for the approval of the report of the surveyor, as hereinafter provided for.

Application for  
compensation or  
damages, or for  
alteration of  
line.

Sec. 4460. At any time on or before the day set for hearing, as provided in section four thousand four hundred and fifty-two, any person or corporation whose lands are taken or affected in any way by such improvement may make application to said commissioners in writing for compensation or damages, and they, or any of them, may make an application in writing for a change or alteration of the line of the ditch through their premises, and a failure to make such application shall be deemed and held to be a waiver of all rights thereto.

Repealed.

SECTION 2. That said original sections 4451, 4452, 4457, 4458 and 4460 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 19, 1894.  
152G

[House Bill No. 559.]

## AN ACT

To amend section 306 of the Revised Statutes, as amended March 29, 1892.

Inspector of  
mines:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 306 of the Revised Statutes be so amended as to read as follows:

Oil permitted to  
be used for il-  
luminating pur-  
poses in mines.

Sec. 306. Only a pure animal or vegetable oil, or other oil as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosin, and which shall, on inspection, comply with the following test, shall be used for illuminating purposes in the mines of this state: All such oil must be tested at 60 degrees Fahrenheit. The specific gravity of the oil must not exceed 24 degrees Tagliabue. The test of the oil must be made in a glass jar one and five-tenths inches in diameter by seven inches in depth.

If the oil to be tested is below 45 degrees Fahrenheit in temperature, it must be heated until it reaches about 80 degrees Fahrenheit; and should the oil be above 45 degrees and below 60 degrees Fahrenheit, it must be raised to a temperature of about 70 degrees Fahrenheit, when, after being well shaken, it should be allowed to cool gradually to a temperature of 60 degrees Fahrenheit, before finally being tested. In testing the gravity of the oil, the Tagliabue hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil under test should be opaque or turbid, one-half of the capillary attraction shall be deemed and taken to be the true reading. Where the oil is tested under difficult circumstances, an allowance of one-half degree may be made for possible error in parallax before condemning the oil for use in the mine. All oil sold to be used for illuminating purposes in the mines of this state, shall be contained in barrels or packages branded conspicuously with the name of the dealer, the specific gravity of the oil, and the date of shipment.

SECTION 2. That section 306 be supplemented by the enactment of the following section, numbered as indicated:

Sec. 306a. Any person or persons, firm or corporation which ships any oil contained in any barrel or barrels, package or packages, which are not branded as prescribed in section 306, said oil to be used for illuminating purposes in coal or other mines, and any person or persons, firm or corporation which sells any oil other than that prescribed in section 306, to be used for illuminating purposes in coal or other mines, and any person or persons, firm or corporation, having in charge the operation or running of any mine, which, in a mine under his or its charge, uses or permits the use of any oil other than that prescribed in section 306, and any miner or mine employe who uses, with a knowledge of its character, in any mine in this state, any oil other than that prescribed in section 306, shall be fined not less than five nor more than fifty dollars; and any individual, firm, company or corporation which sells any oil other than that prescribed in section 306, in a quantity exceeding five barrels at one sale, to be used for illuminating purposes in coal or other mines, shall be fined not less than twenty-five nor more than one hundred dollars. Mayors and justices of the peace shall have jurisdiction to try any violations of this section, and their judgment shall be final. Every person who, after being once convicted of violating this section, shall be convicted of again violating any of the provisions of this section, may, in addition to the fine before provided, be imprisoned not less than ten days nor more than thirty days. On complaint, before a mayor or justice of the peace, of a second violation of this act involving the punishment of imprisonment, if a trial by jury be not waived, a jury shall be chosen and the case tried, after the manner provided in section 3718a of the Revised

Penalties, jurisdiction, disposition of fines, etc.



Statutes. All fines assessed and collected under prosecutions begun, or caused to be begun by the chief inspector of mines, or any district inspector of mines, shall be paid by the court to the chief inspector of mines, and by him paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the chief inspector of mines in prosecuting violations of this section. Any excess of fines collected over the expenses incurred in prosecutions under this section remaining at the close of the fiscal year, shall be credited to the general revenue fund of the state.

SECTION 3. Section 306, as amended March 29, 1892 (89, O. L., 164), is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 19, 1894.

153G

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[House Bill No. 147.]

## AN ACT

To amend section 4904, as amended May 4, 1891, of the Revised Statutes, to protect improved roads from heavy burdens.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4904 of the Revised Statutes of Ohio, amended May 4, 1891, be so amended as to read as follows:

Sec. 4904. It shall be unlawful for any person or persons, firm or corporation, in any county having free or toll macadamized, graveled or stone roads, to transport over such roads, in any vehicle having a tire of less than three inches in width, a burden of more than two thousand pounds. The county commissioners of every county shall constitute a board of directors for their respective counties, with power to prescribe the increased weight in quantity greater than two thousand pounds that may be carried in vehicles having a width of tire three inches or upwards, and cause such regulations to be recorded in their journal. All persons violating this act or any regulations duly prescribed by the aforesaid board of county commissioners made in pursuance hereof, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars, and shall be imprisoned until the fine and costs of prosecution are paid, or said person so convicted duly discharged according to law. The board of trustees or any one of them, or any pike superintendent or commissioner within their respective jurisdiction, or any owner or president of any turnpike company owning or operating a

turnpike road within any county, and the county commissioners within their respective counties, shall cause to be prosecuted all persons violating this act or violating any regulations prescribed by the board of county commissioners, made in pursuance of the authority herein conferred. The county commissioners within their respective counties are hereby empowered to appoint some suitable person or persons to enforce the requirements of this act and such regulations as are made in pursuance of the authority herein conferred; and the person or persons so appointed shall receive, upon any conviction for an offense by them prosecuted under this act, such portion of the fine or penalty as the commissioners may deem just and proper; and on complaint of any freeholder, and if, in the opinion of the board, owner or president of any such turnpike company, the complaint is well founded, the said board, owner or president of any such turnpike company may also enjoin any person or persons who are engaged in the business of transporting heavy loads over such roads in violation of the requirements prescribed under it, and the court in any such action may render judgment against the defendant or defendants for any damage done.

SECTION 2. That section 4904, as amended May 4, 1891, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
154G

[House Bill No. 275.]

## AN ACT

To amend section 5367 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five thousand three hundred and sixty-seven of the Revised Statutes be amended so as to read as follows:

Revivor of judgment:

Sec. 5367. When a judgment, including judgments rendered by a justice of the peace or mayor, a transcript of which has been filed in the court of common pleas for execution, has become dormant, or when any finding for money in any equitable proceedings, which in whole or in part remains unpaid under the order of the court made therein, said judgment may be revived, or said finding may be made subject to execution as judgments at law are, in the same manner as prescribed for reviving actions before judgments, or by action in the court in which said judgment

Revivor of dormant judgment or finding.

ment was rendered or finding made, or in which transcript of judgment may have been filed. When either party to such dormant judgment or finding, his agent or attorney, makes affidavit showing that the adverse party is a non-resident of the state, and that such judgment or finding remains unsatisfied, in whole or in part, and the amount owing thereon, service may be made by publication, as in other cases, but only for such judgments or findings in which personal service has originally been made on the adverse party. If sufficient cause be not shown to the contrary, the judgment shall stand revived, and the finding be subject to execution for the amount which the court finds to be due and unsatisfied thereon; and the lien of the judgment for the amount due shall be revived, and shall operate from the time of the entry of the conditional order or the filing of the petition.

Repeals, etc.

SECTION 2. That said original section 5367 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 20, 1894.

155G

[House Bill No. 452.]

## AN ACT

To provide for the establishment of a course of practical and scientific instruction in the art of clay-working and ceramics in the Ohio state university.

Department of  
ceramics in  
Ohio state uni-  
versity.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Ohio state university be and they are hereby required to establish in said university a department of ceramics, equipped and designed for the technical education of clay, cement and glass-workers, in all branches of the art which exist in this state, or which can be profitably introduced and maintained in this state from the mineral resources thereof, including the manufacture of earthenwares, stonewares, yellowwares, whitewares, china, porcelain and ornamental pottery, also the manufacture of sewer-pipe, fire-proofing, terra-cotta, sanitary claywares, electric conduits and specialties, fire-bricks and all refractory materials, glazed and enameled bricks, pressed bricks, vitrified paving-material, as well as the most economic methods in the production of the coarser forms of bricks used for building purposes; also the manufacture of tiles used for paving, flooring, decorative wall-paneling, roofing and draining purposes, also the manufacture of cement, concrete, artificial stone and all kinds of

glass products and all other clay industries represented in our limits.

**SECTION 2.** Said department shall offer special instruction to clay-workers on the origin, composition, properties and testing of clays, the selection of materials for different purposes, the mechanical and chemical preparation of clays, the laws of burning clays, the theory and practice of the formation of clay bodies, slips and glazes, and the laws which control the formation and fusion of silicates.

Special instruction to clay-workers.

**SECTION 3.** Said department shall be provided with an efficient laboratory designed especially for the practical instruction of clay-workers in the list of subjects enumerated in the second section of this act, and also equipped to investigate into the various troubles and defects incident to every form of clay-working, which can not be understood or avoided except by use of such scientific investigation. Said laboratory shall be equipped with apparatus for chemical analysis, with furnaces and kilns for pyrometric and practical trials, with such machinery for the grinding, washing and preparation of clays for manufacture as is consistent with the character of the department.

Laboratory.

**SECTION 4.** Said trustees shall employ to conduct this department of ceramics a competent expert, who shall unite to the necessary education and scientific acquirements, a thorough practical knowledge of clay-working, and not less than two years' actual experience in some branch of the art. It shall be his duty to teach the theoretical part of the subject and to conduct the laboratory for the instruction of students, and also to prosecute such scientific investigations into the technology of the various clay industries as may be practicable, and from time to time to publish the results of his investigations in such form that they will be accessible to the clay-workers of the state for the advancement of the art.

Expert.

**SECTION 5.** There shall be hereafter appropriated out of the general revenues of the state the sum of five thousand dollars, to be expended in the organization, equipment and maintenance of said department, as provided for in the first four sections of this act, for the current year, and there shall be appropriated from the same fund the sum of two thousand five hundred dollars annually for two years for the salary, supplies and all other expenses of maintenance of said department.

Appropriations.

**SECTION 6.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 20, 1894.

[House Bill No. 637.]

## AN ACT

To impose a direct-inheritance tax.

Direct inheritance  
tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all property within the jurisdiction of this state, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, including annuities, which shall pass by will or by the intestate laws of this state, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, or person recognized as an adopted child and made a legal heir under the provisions of section 4182 of the Revised Statutes of Ohio, or the lineal descendant thereof, the lineal descendant of any adopted child, the wife or widow of a son, the husband of a daughter of decedent, or to any one in trust for such person or persons, shall be liable to a tax as follows, to wit: When the value of the entire property of such decedent exceeds the sum of twenty thousand dollars and does not exceed the sum of fifty thousand dollars, one per cent.; when it exceeds fifty thousand dollars and does not exceed one hundred thousand dollars, one and one-half per cent.; when it exceeds one hundred thousand dollars and does not exceed two hundred thousand dollars, two per cent.; when it exceeds two hundred thousand dollars and does not exceed three hundred thousand dollars, three per cent.; when it exceeds three hundred thousand dollars and does not exceed five hundred thousand dollars, three and one-half per cent.; when it exceeds five hundred thousand dollars and does not exceed one million dollars, four per cent.; and when it exceeds one million dollars, five per cent.; seventy-five per cent. of such tax to be for the use of the state, and twenty-five per cent. for the use of the county wherein the same is collected; and all administrators, executors and trustees, shall be liable for all such taxes, with lawful interest, as hereinafter provided, until the same shall have been paid as hereinafter directed. Such taxes shall become due and payable immediately upon the death of the decedent, and shall at once become a lien upon said property.

Payment:  
proceeds are for  
collection.

SECTION 2. All taxes imposed by this act shall be paid into the county treasury of the county in which the court having jurisdiction of the estate or accounts is situated, by the executors, administrators or trustees, or other persons charged with the payment thereof, and if said taxes are not paid within one year after the death of said decedent, interest at the rate of eight per centum shall be thereafter charged and collected thereon; and if said taxes are not paid at the expiration of eighteen months after the death of said decedent, it shall be the duty of the prosecuting attorney of the county wherein said taxes

remain unpaid, to institute the necessary proceedings to collect the same in the court of common pleas of such county, after first being duly notified in writing by the probate judge of said county of the non-payment of such taxes, and it is hereby made the duty of the probate judge to give such notice in writing; but if said taxes are paid before the expiration of one year after the death of said decedent, a discount at the rate of one per cent. per month for each full month that payment shall have been made prior to the expiration of said year, shall be allowed on the amount of taxes found to be due under the provisions of this act.

**SECTION 3.** Any administrator, executor or trustee having in charge or trust any property subject to such tax, shall deduct the tax therefrom, or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property, subject to said tax, to any person until he has collected the tax thereon.

Deduction or collection by administrator, executor or trustee.

**SECTION 4.** Whenever any legacies subject to said tax shall be charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator or trustee, and the same shall remain a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator or trustee, in the same manner as the payment of the legacy itself could be enforced.

Tax upon legacy payable out of real estate.

**SECTION 5.** All administrators, executors and trustees shall have power to sell so much of the estate of the deceased as will enable them to pay said tax, in the same manner as they may be empowered to do for the payment of his debts.

Sale of property for payment.

**SECTION 6.** Within ten days after the filing of the inventory of every estate subject to a tax under the provisions of this act, the judge or the court of probate in which such inventory is filed, shall make and deliver to the county auditor of any such county, a copy of such inventory, with the appraisal of said estate; the county auditor shall certify the value of said estate and the amount of taxes due therefrom to the county treasurer, who shall collect such taxes and thereupon place twenty-five per cent. thereof to the credit of the county expense fund of said county, and pay seventy-five per cent. thereof into the state treasury, to the credit of the general revenue fund, at the time of making his semi-annual settlement.

Proceedings after filing of inventory

**SECTION 7.** Whenever any of the real estate of a decedent shall so pass to another person as to become subject to said tax, the executor, administrator or trustee of the decedent shall inform the probate judge thereof within six months after he has assumed the duties of his trust, or if the fact is not known to him within that time, then within one month from the time that it does become so known to him.

Information to be furnished probate judge.



Refundment.

SECTION 8. Whenever for any reason the devisee, legatee or heir who has paid any such tax shall refund any portion of the property on which it was paid, or it shall be judicially determined that the whole or any part of such tax ought not to have been paid, said tax, or the due proportional part of said tax, shall be paid back to him by the executor, administrator or trustee.

Valuation of property subject to tax; fees of appraisers.

SECTION 9. The value of such property as may be subject to said tax shall be its actual market value as found by the court of probate; but the state, through the prosecuting attorney of the proper county, or any person interested in the succession of [to] said property, may apply to the court of probate having jurisdiction of the estate; and on such application the court shall appoint three disinterested persons, who, being first sworn, shall view and appraise such property at its actual market value for the purposes of said tax, and shall make return thereof to said court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted it shall be binding upon the person by whom this tax is to be paid, and upon the state. The fees of the appraisers shall be fixed by the judge of probate and paid out of the county treasury upon the warrant of the county auditor. In case of an annuity or life estate, the value thereof shall be determined by the so-called actuaries' combined experience tables and five per centum compound interest.

Jurisdiction of probate court; prosecuting attorney to represent state.

SECTION 10. The court of probate, having either principal or auxiliary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise, affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the prosecuting attorney shall represent the interests of the state in any such proceedings.

Semi-annual statements of probate judge; record of cases and proceedings.

SECTION 11. The judge of each probate court shall, as often as once in six months, render to the county auditor a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and amount of such taxes as will accrue during the next six months, so far as the same can be determined from the probate records, and the number and amount of such taxes as are due and unpaid, and each probate judge shall keep a separate record, in a book to be provided for that purpose, of all cases and proceedings arising under the provisions of this act.

Fees of officers; costs chargeable to state.

SECTION 12. The fees of all officers having duties to perform under the provisions of this act, shall be paid by the county from the county expense fund thereof, and shall be the same as now allowed by law for similar services. In the calculation of amounts due the state, seventy-five per cent. of the cost of collection, and other necessary and legitimate expenses incurred by the county in the collection

of such taxes, shall be charged to the state and deducted from the amount of taxes to be paid into the state treasury.

SECTION 13. No final settlement of the account of any executor, administrator or trustee shall be accepted or allowed by the court of probate unless it shall show, and the judge of said court shall find, that all taxes imposed by the provisions of this act upon any property or interest therein belonging to the estate to be settled by said account shall have been paid; and the receipt of the county treasurer shall be the proper voucher for such payment.

Acceptance or  
allowance of  
final settlement  
contingent  
upon payment.

SECTION 14. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 20, 1894.

157G

[House Bill No. 715.]

### AN ACT

To amend sections 1, 2, 4, 9, 14 and 15 of an act entitled "An act imposing a collateral-inheritance tax," passed January 27, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2, 4, 9, 14 and 15 of an act entitled "An act imposing a collateral-inheritance tax," passed January 27, 1893, be amended so as to read as follows:

Taxation:

Sec. 1. That all property within the jurisdiction of this state, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this state, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, or person recognized as an adopted child and made a legal heir under the provisions of section 4182 of the Revised Statutes of Ohio, or the lineal descendant thereof, or the lineal descendant of any adopted child, the wife or widow of a son, the husband of the daughter of a decedent, shall be liable to a tax of five per centum of its value, above the sum of two hundred dollars, seventy-five per centum of such tax to be for the use of the state, and twenty-five per centum for the use of the county wherein the same is collected; and all administrators, executors and trustees, and any such grantee under a conveyance made during the grantor's life, shall be liable for all such taxes, with lawful interest as hereinafter provided, until the same shall have been paid as hereinafter directed.

Collateral-in-  
heritance tax



Such taxes shall become due and payable immediately upon the death of the decedent, and shall at once become a lien upon said property, and be and remain a lien until paid.

Appraisal and deduction of property not liable.

Sec. 2. When any person shall bequeath or devise any property to or for the use of father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant and adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, during life or for a term of years, and the remainder to collateral heir, or to a stranger to the blood, the value of the prior estate shall, within sixty days after the death of the testator, be appraised in the manner hereinafter provided, and deducted, together with the sum of two hundred dollars, from the appraised value of such property.

Payment: proceedings or collection.

Sec. 4. All taxes imposed by this act shall be paid into the county treasury of the county in which the court having jurisdiction of the estate or accounts is situated by the executors, administrators or trustees, or other persons charged with the payment thereof, and if said taxes are not paid within one year after the death of said decedent, interest at the rate of eight per centum shall be thereafter charged and collected thereon, and if said taxes are not paid at the expiration of eighteen months after the death of said decedent, it shall be the duty of the prosecuting attorney of the county wherein said taxes remain unpaid, to institute the necessary proceedings to collect the same in the court of common pleas of such county, after first being duly notified in writing by the probate judge of said county of the non-payment of such taxes, and it is hereby made the duty of the probate judge to give such notice in writing; but if said taxes are paid before the expiration of one year after the death of said decedent, a discount at the rate of one per centum per month for each full month that payment shall have been made prior to the expiration of said year, shall be allowed on the amount of taxes found to be due under the provisions of this act.

Proceedings after filing of inventory

Sec. 9. Within ten days after the filing of the inventory of every such estate, any part of which may be subject to a tax under the provisions of this act, the judge or the court of probate in which such inventory is filed, shall make and deliver to the county auditor of any such county, a copy of such inventory; or, if the same can be conveniently separated, a copy of such part of such estate, with the appraisal thereof; the county auditor shall certify the value of said estate, subject to taxation hereunder and the amount of taxes due therefrom, to the county treasurer, who shall collect such taxes, and thereupon place twenty-five per centum thereof to the credit of the county expense fund of said county, and pay seventy-five per centum thereof into the state treasury, to the credit of the general revenue fund, at the time of making his semi-annual settlement.

Sec. 14. The judge of each probate court shall, as often as once in six months, render to the county auditor a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and amount of such taxes as will accrue during the next six months, so far as the same can be determined from the probate records, and the number and amount of such taxes as are due and unpaid; and each probate judge shall keep a separate record, in a book to be provided for that purpose, of all cases arising under the provisions of this act.

Semi-annual statements of probate judge; record of cases and proceedings.

Sec. 15. The fees of all officers having duties to perform under the provisions of this act, shall be paid by the county from the county expense fund thereof, and shall be the same as now allowed by law for similar services; in the calculation of amounts due the state, seventy-five per centum of the cost of collection and other necessary and legitimate expenses incurred by the county in the collection of such taxes, shall be charged to the state and deducted from the amount of taxes to be paid into the state treasury.

Fees of officers; costs chargeable to state.

SECTION 2. That original sections 1, 2, 4, 9, 14 and 15 of the said act be and the same are hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 20, 1894.  
158G

[House Bill No. 845.]

## AN ACT

To amend sections 1708a, 1709a, and 1713 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1708a, 1709a and 1713 be, and they are hereby severally amended so as to read as follows:

Officers of cities:

Sec. 1708a. In cities of the first grade of the first class there shall be a mayor, auditor, treasurer, police judge, clerk of the police court, and corporation counsel, who shall be chosen by the electors, for equal terms at one and the same general municipal election; and a prosecuting attorney of the police court who shall be appointed by the mayor, with the advice and consent of the board of legislation; and a city clerk to be elected as provided in section 1655a.

Officers of Cincinnati

Terms of officers  
in Cincinnati

Vacancies.

Ineligibility of  
mayor: offices  
abolished.

Salaries.

Disposition of  
fees, etc.

Vacancies.

Sec. 1709a. In cities of the first grade of the first class, the mayor, auditor, treasurer, police judge, corporation counsel, prosecuting attorney, and clerk of the police court shall each serve three years; and the city clerk shall serve three years provided that the incumbents of all of said offices except comptroller and city solicitor, both in cities which now are, and in those which may hereafter become cities of said class and grade, shall hold the same until the expiration of the terms of office for which they were respectively elected or appointed without change of compensation, and if the term of office of any such incumbent expire, whether from death, resignation or otherwise, before the time for holding such a general municipal election as provided in section 1708a, the vacancy thus caused shall be created shall be filled by the mayor with the advice and consent of the board of legislation, such appointee shall hold such vacancy to hold until his successor, to be elected at the next following general municipal election for the election of mayor, auditor, treasurer, police judge, clerk of police court and corporation counsel, shall have been elected and qualified. The mayor hereafter to be elected under the provisions of this act shall be ineligible for election for two successive terms. Upon the election of the auditor and corporation counsel as herein provided, the offices of city solicitor and comptroller shall cease and determine, and the auditor and corporation counsel shall in all respects be deemed successors of the comptroller and city solicitor, and, except as herein otherwise provided, shall perform the same duties, and have the same powers now conferred upon or required of the comptroller or city solicitor. The said officers, except incumbents, holding over as aforesaid, shall receive yearly salaries as follows: Mayor, \$6,000; auditor, \$5,000; corporation counsel, \$4,000; treasurer, \$3,500; the judge, prosecuting attorney and clerk of the police court, the salaries which now are or may hereafter be prescribed by law and the city clerk, \$3,500; which said several salaries shall be payable in monthly instalments, and shall not be increased or diminished during the term of office of any of said officers, and none of said officers shall receive any other or further compensation whatsoever. The compensation of all officers shall be by stated salary; and all fees and perquisites authorized by law or ordinance shall be paid into the city treasury, and unless otherwise provided, shall be credited to the general fund.

Sec. 1713. Unless otherwise provided in this title, when an office filled by the electors of the corporation becomes vacant, the mayor shall, with advice and consent of the council, fill the vacancy until the next annual municipal election, when a successor shall be elected for any unexpired part of the term, unless the vacancy occurs within ten days of such election, in which event the appointment shall be for the unexpired term; provided, that if more than sixty days intervene between the

next annual municipal election and the time any office, filled by the electors of the corporation, becomes vacant, the council may, in its discretion, require that a special election be held to fill the vacancy, of which election the mayor shall give public notice for at least ten days; except in cities of the first grade of the first class, the mayor shall, with the advice and consent of the council, when any municipal office, such as are designated in section 1709a, becomes vacant, fill such vacancy for the unexpired term, as is provided in section 1709a; and unless otherwise provided in this title, when in an office filled by council or by appointment, a vacancy occurs, it shall be filled for the unexpired term by the council, or by the board or officer making the appointment, as the case may be; and, unless otherwise provided, all municipal officers shall serve until their successors are qualified.

Cincinnati.

Incumbent to serve till successor qualified.

SECTION 2. That original sections 1708a, 1709a, and 1713, and all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
 159G

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[House Bill No. 338.]

## AN ACT

To prevent and punish fraud in sales of wearing-apparel at public or private sale by itinerant vendors, and to regulate all such sales.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing-out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall, before so doing, state, under oath, to the secretary of state, either in the original application for a state license, or in a supplementary application, subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing-out, damage, etc., such details to include and cover all the facts relating to time, place and persons necessary to exactly locate and fully identify the same.

Detailed statement required of itinerant vendor.

State and local  
licenses; right  
of municipality  
to regulate; de-  
posit with secre-  
tary of state;  
state license fee.

SECTION 2. It shall be the duty of every itinerant vendor, whether principal or agent, before commencing business, to take out a state license and local licenses in manner hereinafter set forth; but nothing herein contained shall affect the right of any municipal corporation to pass such additional ordinances relative to itinerant vendors as may be permissible under the general law, or under the respective charters. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of \$500 as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of \$25 as a state license fee, the secretary of state shall issue to him an itinerant vendor's license authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk, or in any other way than in his own proper person; but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid their principal, but not to act for or without him.

Penalty for sell-  
ing, advertis-  
ing, etc., with-  
out licenses.

SECTION 3. Every itinerant vendor who shall sell or expose for sale at public or private sale any article of wearing-apparel without state and local licenses therefor, and any persons, both principals and agents, who shall by circular, handbill, newspaper, or in any other manner advertise a sale before proper licenses shall be issued to the vendor, shall be guilty of a misdemeanor, and shall be fined not more than \$1,000 nor less than \$50, or imprisoned not more than six months, or both.

"Wearing-ap-  
parel" and  
"itinerant ven-  
dors" defined;  
sales by com-  
mercial trav-  
elers, etc.

SECTION 4. The words "wearing-apparel," for the purposes of this act, shall be construed to mean and include all kinds of clothing, underwear, hats and shoes. The words "itinerant vendors," for the purposes of this act, shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business of selling goods, wares and merchandise in this state and who shall remain in one place for a period of less than (90) ninety days. This act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery.

Applications for  
and record of  
state licenses;  
files and rec-  
ords; require-  
ments for and  
issue of local  
license; penalty  
for failure to ob-  
tain local  
license, etc.

SECTION 5. All applications for license shall be sworn to, shall disclose the names and residences of the owners and parties in whose interest said business is conducted, and shall be kept on file by the secretary of state, and a record shall be kept by him of all licenses issued upon such applications. All files and records, both of the secretary of state and of the respective clerks of municipal corporations, shall be in convenient form and open for public inspection. Before selling under said state license, every itinerant vendor

shall exhibit the same to the clerk or mayor of any municipal corporation where he proposes to make sales, and upon payment to said clerk or mayor of a further local license fee as provided for by ordinance, or in the absence of any such ordinance, then such amount as the clerk or mayor of such municipal corporation shall determine, and the proof of payment of all such other license fees, if any, as are legally chargeable upon local sales, the said clerk shall record the state license in full, shall indorse upon it the words "local license fees paid," and shall affix his official signature, together with the date of such indorsement. He shall then issue a local license authorizing sales within the limits of such town or city. Any failure to obtain a local license and have proper indorsements made on the state license shall be subjected to the same penalty as though no state license had been issued.

**SECTION 6.** Any false statement in an application, either original or supplementary, for a license, and any failure on the part of any licensee to comply with all the requirements of this act, shall subject said itinerant vendor to the same penalty as if he had no license, and to the further and additional penalty of a fine of \$100, to be paid to the person first filing complaint therefor with the proper informing or prosecuting officer.

Penalty for false statement in application or failure to comply with requirements of act.

**SECTION 7.** It shall be the duty of the respective informing or prosecuting officer in each municipal corporation in this state, to see that the provisions of this act are complied with and to prosecute for violation of the same. All such officers shall have power to demand the production of the proper state and local licenses from any itinerant vendor advertising or actually engaged in business, and any failure to produce such licenses shall be prima facie evidence against such vendor that he has none.

Enforcement of act: power to demand production of licenses, etc.

**SECTION 8.** Prosecutions under this act may be heard and determined by any court having criminal jurisdiction over other offenses punishable by law, to the same extent as hereinabove provided. All state licenses shall expire by limitation one year from the date thereof, and may be, if so desired surrendered at any time prior thereto for cancellation. Upon the expiration and return or surrender of each state license the secretary of state shall cancel the same, indorse the date of delivery and cancellation thereon and place the same on file. He shall then hold the special deposit of each licensee, hereinabove mentioned, for the period of 60 days, and after satisfying any and all claims made upon the same under the section next following, shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

Jurisdiction in prosecutions: expiration or surrender of state licenses; disposition of special deposit

**SECTION 9.** Each deposit made with the secretary of state shall be subject, so long as it remains in his hands, to attachment and execution in behalf of creditors whose claims arise in connection with business done in the state, and to the payment of any and all fines and penalties incurred by

Deposit subject to attachment and execution, etc.



the licensee through violation of this act. Claims under civil process shall be enforced against the secretary of state as garnishee or trustee by action in the usual form, and claims for satisfaction of fines and penalties shall be enforced by the prosecuting attorney serving notice of pendency of action (and judgment when obtained) upon the secretary of state. All claims upon each deposit shall be satisfied after judgment in the order in which notice of the claim is received by the secretary of state, until all such claims are satisfied, or the deposit exhausted; but no notices filed after the expiration of the 60 days' limit aforesaid shall be valid. No deposits shall be paid over by the secretary of state to licensees so long as there are any outstanding claims or notices of claims against them respectively, unless he shall find that there is unreasonable delay in enforcing the same.

SECTION 10. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 23, 1894.

160G

[House Bill No 427.]

## AN ACT

To provide for the appointment of jury commissioners and the selection of jurors in certain counties, and to repeal certain sections therein named.

Jury-wheel.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of every county in the state of Ohio, save and except in the counties of Cuyahoga, Franklin, Hamilton, Lucas, Montgomery and Mahoning, each of which has a special act governing the selection of juries in said counties, shall provide and place in the custody of the clerk of each county, save those above named, a wheel so constructed and arranged that by turning the same the pieces of paper hereinafter mentioned may be thoroughly mixed, and that the names upon such pieces of paper can not be read or seen until withdrawn from such wheel.

Commissioners  
of jurors: ap-  
pointment  
qualifications  
and term.

SECTION 2. In every county save those above mentioned, before the fourth Monday of May of each year, the judge or judges of the court of common pleas, for each subdivision of the judicial district or a majority of such judges, shall, in joint session, appoint four judicious freehold electors in each county in each of the several subdivisions of the judicial districts, save those above excepted, no one of whom shall be an attorney at law, and not more than two of them shall be of the same political party, who shall

be commissioners of jurors in each county for one year, and until their successors are appointed and qualified, and a record of such appointments shall be made upon the journal of each of said courts in each separate county. Such commissioners shall, before entering upon the discharge of their duties, appear before a judge of the county, or in his absence, then before the clerk of courts of said county, [and] take an oath of office as follows: "I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of commissioners of jurors without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror, and that I will report to the court the names of any and all persons who, in any manner, seek by request, hint or suggestion to influence me in the selection of jurors. And this I do as I shall answer unto God" (or, "and this I do under the pains and penalties of perjury"). And it shall be the duty of said court, or, in his absence, the clerk of said court, before said commissioners shall enter upon the discharge of their duties, to specifically direct their attention to this act, and to instruct and caution them respecting their duties thereunder. On the fourth Monday of May in each year such commissioners shall meet in the office of the auditor of each county at ten o'clock in the forenoon, and shall there select such number of judicious and discreet persons, having the qualifications of electors of each county, as the court may direct, to be selected as nearly as may be from the several wards and townships in proportion to their respective population; but no person shall be so selected who shall not, in the judgment of all of said commissioners, be competent in every respect to serve as a juror; that after said commissioners shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel and securely locked therein in the presence of said commissioners, and said commissioners shall also, at the same time make and sign a certificate containing all of said names, which they shall certify to be the names of the persons selected at the time and place aforesaid, to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificates shall be filed with said clerk. Said wheel shall be securely locked at all times, except when by order of court it shall be necessary to put names into it, and to draw them from it in the manner herein provided; and said clerk shall be custodian of said wheel and key. And if any person shall unlock or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not more than one thousand dollars nor less than five hundred dollars, and be imprisoned in the county jail

Oath.

Duty of court or clerk.

Selection of jurors.

Certificate of persons selected.

Wheel to be locked; custodian of wheel and key.

Penalty for unlawfully unlocking or opening wheel.



Appointment  
when commis-  
sioner sick or  
absent.

Meeting and se-  
lection of jurors  
upon order of  
court.

Struck juries  
and special  
venires.

Drawing of  
grand and petit  
jurors and issu-  
ing of venire

Compensation  
of commis-  
sioners.

Penalty for at-  
tempting to in-  
fluence commis-  
sioners in selec-  
tion of jurors:  
duty of commis-  
sioners.

Bribery; pen-  
alty.

not more than one year nor less than three months. If either of the commissioners mentioned in this section of this act shall be sick or absent from the county, the presiding judge of the court of common pleas may appoint some judicious and disinterested person to take the place of such commissioner in making selection herein provided for; and the person so appointed shall be of the same political party as the commissioner whose place is to be filled; whenever it shall become necessary, said commissioners shall meet at such time and place as the court of common pleas may appoint, and shall there select such number of persons as the court may, by its order, direct; and the names of such persons shall be selected, written and deposited in said wheel and certified to, as hereinbefore specified; but nothing herein contained shall abridge the right of any party to a struck jury as provided by law, nor affect the issuance, by order of court, of special venires, as now provided by law.

SECTION 3. Whenever the clerk of any county shall be directed by the order of any court of record therein, or any judge in vacation, to cause any number of persons to be summoned to serve as [a] grand or petit jurors in such court, he shall at once, in the presence of the sheriff, proceed to turn said wheel until said pieces of paper are thoroughly mixed, and shall then draw therefrom the number of names specified in such order, and shall forthwith, unless otherwise directed by said court or judge, issue a venire facias to the sheriff, commanding him to summon the jurors whose names were so drawn, to attend as jurors at the time and place specified in said order, and all grand and petit juries shall be impaneled from persons so selected and summoned as aforesaid.

SECTION 4. That said commissioners shall each receive for their services herein named, three dollars for each day employed, to be approved and paid on the order of the county auditor; provided, that they shall not be paid for more than three days' time in any one year.

SECTION 5. Whoever attempts, by request, hint or suggestion, to influence such commissioners, or any of them, to select or not to select himself or any other person or persons as aforesaid, shall be fined not more than one hundred dollars and be imprisoned in the county jail not more than twenty days. And it shall be the duty of each of said commissioners to report to the said court of common pleas the names of any and all persons who shall attempt as aforesaid to influence said commissioners, or any of them, in their selection of jurors.

SECTION 6. Any commissioner so appointed who accepts any gift, compensation or favor, or the promise thereof, from any person, firm or corporation having any cause pending in any of the courts of such counties, and any person, firm or corporation, or the officer or agent thereof, who shall make or promise any gift, favor or compensation of any kind to any such commissioner, shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties provided by section five (5) of this act.

SECTION 7. That sections 5163, 5164, 5165, and 5166 of the Revised Statutes are hereby repealed. This act shall not be so construed as to affect any jury already drawn for terms of courts about to be in session when the first selection shall be made hereunder.

Repeals; juries  
already drawn.  
etc.

SECTION 8. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 23, 1894.  
161G

[House Bill No. 798.]

## AN ACT

Supplementary to section 897 of the Revised Statutes as amended  
April 24, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897g be enacted as supplementary to section 897 as follows:

County commis-  
sioners:

Sec. 897g. In all counties which by the federal census of 1890 had or which at any subsequent federal census may have a population of not less than forty-three thousand (43,000) nor more than forty-three thousand and five hundred (43,500), each county commissioner elected after the passage of this act, shall devote his entire time to the duties of his office and for his compensation shall receive a salary of twelve hundred dollars (\$1,200) per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor, and shall receive nothing in addition to the salary so provided either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of his county on official business, he may, in addition to such salary receive his actual traveling expenses and no more, which shall before being paid, be presented in an itemized account and approved in writing by the prosecuting attorney and probate judge.

Duties, salary  
and traveling  
expenses in  
Licking county

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 23, 1894.  
162G

[ House Bill No. 658.]

## AN ACT

To amend sections 2107*p*, 2107*q*, 2107*r* and 2107*u*, as passed March 19, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2107*p*, 2107*q*, 2107*r* and 2107*u*, as passed March 19, 1887, be amended so as to read as follows:

Sec. 2107*p*. Any city and county or county having or that may hereafter erect a joint city and county workhouse, or a county workhouse, may receive as inmates of such joint city and county workhouse, or county workhouse, persons sentenced thereto as provided by law, from counties and municipal corporations having no workhouse, upon such terms and for such length of time as may be agreed upon by the commissioners of such county or the council of such municipal corporation, and the board of such joint city and county workhouse directors, or county workhouse directors; provided, that such convicts so received shall, in all respects, be and remain under control of the directors of such workhouse, and subject to the rules, regulations and discipline of such workhouse the same as other convicts therein detained.

Sec. 2107*q*. The commissioners of any county, or the council of any municipal corporation, wherein there is no workhouse, may agree with the council of any municipal corporation or other authority having control of the workhouse of any other city, or with the directors of any district of joint city and county workhouse, or county workhouse, upon terms and conditions, upon which persons convicted of misdemeanor, or of the violation of any ordinance of such municipal corporation by any court of [or] magistrate of such county or municipal corporation, having no workhouse, may be received into such workhouse, under sentence of such court or magistrate; and the county commissioners of any such county, and the council of any such municipal corporation, are authorized to pay the expenses incurred under such agreement out of the general fund of such county, or of the municipal corporation, upon the certificate of the proper officer of such workhouse; and the sheriff or other officer transporting any person to such workhouse shall have the following fees therefor: Six cents per mile for himself, going and returning, and five cents per mile for transporting such convict, and five cents per mile going and coming for the service of each guard, to be allowed as in penitentiary cases; the number of miles to be computed by the usual routes of travel, to be paid in state cases out of the general fund of the county, on the allowance of the county commissioners, and in case for the violation of the ordinances of any municipal corporation by such municipal corporation on the order of the council thereof.

Joint city and  
county and  
county work-  
houses:

Inmates from  
other coun-  
ties  
and munici-  
palities.

Agreement up-  
on terms and  
conditions.

Payment of  
expenses.

Fees of officers.

Sec. 2107r. When any person has been convicted of a misdemeanor or of the violation of any ordinance of a municipal corporation, by any court or magistrate of this state, or of such municipal corporation, in a county or municipal corporation having no workhouse, and the commissioners of such county, or council of such municipal corporation have made provisions as allowed by law for receiving persons so convicted into the workhouse of a city in any other county or district, or a joint city and county workhouse, or a county workhouse in this state, it shall be competent for such court or magistrate, in its discretion, where imprisonment in the county or municipal jail may by law or ordinance be imposed in punishment of such offense, to sentence such person to such workhouse for a period not exceeding the maximum period of confinement in the county or municipal jail allowed by statute or ordinance for such offense; and in all such cases such court or magistrate may further order that such person stand committed to such workhouse until the costs of prosecution are paid, or he be discharged, as herein provided; and in all cases where a fine may be imposed in whole or in part punishment of an offense, or for violation of an ordinance of any municipal corporation, and such court or magistrate could order that such person stand committed to the jail of the county or municipal corporation until such fine and costs of prosecution are paid, such court or magistrate may order that such person stand committed to such workhouse until such fine and the costs of prosecution are paid, or until he be discharged therefrom by allowing a credit of sixty cents per day on such fine and costs for each day of confinement in such workhouse, or be otherwise legally discharged.

Sentence and order of court or magistrate.

Sec. 2107u. The board of joint city and county workhouse directors, or county workhouse directors, may enlarge or improve the buildings, shops or grounds from any surplus that may arise from income of such workhouse, or from the levy for such maintenance made by such county and city, or county; but no levy for maintenance shall be made when it has not been necessary to use more than one-half of the avails of the levy of the year preceding; and any surplus arising from the carrying on of (the) such joint workhouse shall be returned to the general fund of such city and county in the proportion that such surplus may have been produced by the labor of the convicts of each, and any surplus arising from the carrying on of such county workhouse shall be returned to the general fund of the county.

Improvement of buildings, grounds, etc.

Limitation on levy; disposition of surplus

SECTION 2. That said original sections 2107p, 2107q, 2107r and 2107u of the Revised Statutes of Ohio be and

Repeals, etc.

the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.  
 163G

[Senate Bill No. 296.]

## AN ACT

To secure a voice in school affairs to the women of Ohio on equal terms with men.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every woman born or naturalized in the United States, of the age of twenty-one years and upward, who shall have been a resident of the state one year, and of the county, town, township or other election district such time as the law provides for men, preceding any election held for the purpose of choosing any school director, member of the board of education or school council under the general or special laws of the state, shall be entitled to vote and be voted for at such election for any such officer or officers.

Women entitled to vote and be voted for at certain school elections.

Separate ballot-boxes.

SECTION 2. A separate box shall be provided for the ballots of those voting for any such office mentioned in section one of this act.

Registration.

SECTION 3. All laws relating to the registration of voters shall apply to women upon whom the right to vote is herein conferred, provided, that the names of such women may be placed upon a separate list.

Repeals.

SECTION 4. That all acts or parts of acts in so far as they are inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.  
 164G

[House Bill No. 760.]

## AN ACT

To repeal section 4877 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4877 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 25, 1894.

165G

[House Bill No. 844.]

## AN ACT

To supplement section 897 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897j be enacted supplementary to section 897 of the Revised Statutes as follows: County commissioners:

Sec. 897j. In all counties having at the last federal census a population of not less than 22,000, nor more than 22,200, or which may at any subsequent federal census have such population, each member of the board of county commissioners, instead of the compensation provided for in said section 897, shall on and after January 1st, 1895, receive a salary in the sum of eight hundred dollars per annum, payable in equal monthly instalments out of the county treasury upon the warrant of the county auditor, and the members of the board of county commissioners in such counties shall receive no additional compensation by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of their respective counties on official business, each member of said board may, in addition to the salary so provided, receive his actual expenses, and no more, which, before being paid, shall be presented in an itemized account, and allowed by the prosecuting attorney and probate judge. Salary and expenses in Fulton county.

SECTION 2. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 25, 1894.

166G

[Senate Bill No. 195.]

## AN ACT

To supplement section 6159 of the Revised Statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 6159 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Sale of real estate by executors and administrators:

Notice of sale in German or Bohemian newspaper.

**Sec. 6159a.** In any county wherein is published and printed a newspaper in the German or Bohemian language, and which has a circulation of at least five hundred and fifty copies to bona fide subscribers within the county, the notice required in section 6159 may, if the appraised value of the premises to be sold exceeds five hundred dollars, in addition to the publication therein required, be published in such newspaper in the German or Bohemian language for the same time and [in] the same manner, and if two or more such newspapers are published and printed therein, the publication may be in either; but the court ordering such sale shall, upon motion of any party to said action, and upon good cause being shown therefor, dispense with such publication; but no error or mistake in translation, or in any publication authorized by this section shall delay proceedings, or affect the title of the property sold, and if any such error or mistake occurs by the negligence of the publisher he shall receive no compensation for the publication.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 25, 1894.

167G

[Senate Bill No. 222.]

## AN ACT

To provide an official stenographer for the third subdivision of the third judicial district of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the judge of the court of common pleas of the third subdivision of the third judicial district of Ohio, composed of the counties of Fulton, Henry and Putnam, shall, within thirty days after this act takes effect, appoint for said counties an official stenographer,

Official stenographer for third subdivision of third district; appointment.

Residence, office and stationery.

who shall be a resident of one of said counties, and who shall have his or her office in the court-house of said respective counties, which said office and the necessary stationery for the use of said stenographer shall be furnished

by the commissioners of said respective counties. Said stenographer shall not, during the term of his or her said office, as provided in section 2 of this act, be the partner, clerk, student or employe of any attorney residing or practicing in any of said counties.

SECTION 2. That such stenographer shall hold his or her office for the term of three years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless sooner removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath that he or she will faithfully discharge the duties of said office. Such stenographer shall receive a salary of eight hundred dollars (\$800) per annum, payable quarterly out of the county treasuries of said counties in the following proportions: Putnam county, three hundred and seventy-five dollars; Henry county, two hundred and fifty-five dollars; and Fulton county, one hundred and seventy dollars, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it shall be the duty of the auditors of said counties to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county, and preserved in the office of such stenographer; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall [also] be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorneys or the court, an accurate transcript into longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same, and the cost of said transcript, if used on appeal or error, to be taxed in the cost and adjudged as the court may direct; but no transcript of the notes into longhand shall be paid [for] out of the county treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county

Prohibitions.

Term.

Oath.

Salary.

Stenographic notes.

Preference to be given common pleas court.

Transcripts

Costs of transcripts.



Opinions and  
charges of  
court.

Fees for making  
transcripts.

Additional costs  
for stenogra-  
pher's services.

Repeals.

treasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to said salary, five cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be, by the clerk of the court, paid quarterly into the treasury of the county where earned.

SECTION 5. That an act entitled "An act to provide for an official stenographer for the third division of the third judicial district of Ohio," passed May 4, 1891 (O. L. vol. 88, page 524), be and the same is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after May 10th, 1894.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

THOMAS H. MCCONICA,

*President pro tem. of the Senate*

Passed April 25, 1894.

168G

[House Bill No. 761.]

## AN ACT

To authorize the issue of certificates of indebtedness to meet deficiencies in the general revenue fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the sinking fund are hereby authorized and empowered to borrow from time to time such sum or sums of money as may be necessary to supply casual deficits in the general revenue fund not exceeding, however, in the aggregate, the sum of five hundred thousand (\$500,000) dollars; provided, however, said sum shall not be borrowed for a longer period than until July 1, 1896, and at a rate of interest not exceeding three per cent. per annum.

Commissioners  
of the sinking  
fund empowered  
to borrow  
money.

**SECTION 2.** The amount so borrowed, and the interest thereon, shall be paid when due, out of the sinking fund. Payment of principal and interest.

**SECTION 3.** The money so borrowed shall immediately be placed to the credit of the general revenue fund. Disposition of money borrowed.

**SECTION 4.** Said commission shall, on behalf of the state, issue for the money so borrowed, certificates of indebtedness, which shall be signed by the said sinking fund commission and attested by the governor. Certificates of indebtedness.

**SECTION 5.** Of the money thus borrowed and placed to the credit of the general revenue fund, the sum of eighty-five thousand (\$85,000) dollars is hereby appropriated to pay the cost and expense of the real estate and improvement thereon in Wayne county, Ohio, now owned and used by the state for the purposes of the Ohio agricultural experiment station. On the receipt of the warrant for the amount thus appropriated, any and all evidences of the indebtedness outstanding for such cost and expense for the benefit of the state, whether bonds or otherwise, shall be assigned and transferred to the state of Ohio, and handed over to the auditor of state for safe-keeping. Appropriation for Ohio agricultural experiment station.

**SECTION 6.** That there be and is hereby appropriated from any money that may be in the treasury, or that may come into the treasury, belonging to the sinking fund, the sum of twenty-five thousand (\$25,000) dollars, for payment of interest on the certificate of indebtedness provided for in section 1 of this act, or so much thereof as may be necessary to pay the interest falling due on July 1, 1894, January 1, 1895, July 1, 1895, January 1, 1896, and July 1, 1896. Appropriation for interest on certificates of indebtedness.

**SECTION 7.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 25, 1894.  
169G

[House Bill No. 254.]

### AN ACT

Making railroad companies liable for loss or damage by fires in certain cases and prescribing rules of evidence in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That every railroad company operating a railroad or any portion of a railroad wholly or partially within the state of Ohio, shall be liable for all loss or damage by fire originating upon the land belonging to such railroad com- Liability of railroad company for loss or damage by fire; recovery; evidence of cause.

pany caused by operating such railroad. Such railroad company shall be further liable for all loss or damage by fire originating on lands adjacent to such railroad company land caused in whole or in part by sparks from an engine passing over the line of such railroad, to be recovered before any court of competent jurisdiction within the county in which the lands on which such loss or damage occurred are situated, and the existence of such fires upon such railroad company's lands shall be prima facie evidence that such loss was caused by operating such railroad.

Evidence as to  
negligence.

SECTION 2. That in all actions against any person or incorporated company for the recovery of damages on account of any injury to any property, whether real or personal, occasioned by fire communicated by any locomotive engine, while upon or passing along any railroad in this state, the fact that such fire was so communicated, shall be taken as prima facie evidence to charge with negligence the corporation, or person or persons who shall, at the time of such injury by fire, be in the use and occupation of such railroad, either as owners, lessees or mortgagees, and also those who shall at such time have the care and management of such engine; and it shall not, in any case, be considered as negligence on the part of the owner or occupant of the property injured, that he has used the same in the manner or permitted the same to be used or remained, had no railroad passed through or near the property so injured, except in cases of injury to personal property, which shall be at the time upon the property occupied by such railroad.

Attorney fee of  
party in whose  
favor judgment  
finally rendered

SECTION 3. In case either party appeal from the judgment of the court in which an action under this act is originally begun, or may carry the case to a higher court on error, the party in whose favor judgment is finally rendered shall have included in his bill of costs against the adverse party, an attorney fee of fifty dollars (\$50) in case the appeal or error is not carried beyond the circuit court, and in case such appeal or error is carried to the supreme court of this state, there shall be an attorney fee of one hundred dollars (\$100) included in his said bill of cost.

Application of  
section 2.

SECTION 4. Section two of this act shall apply to cases now pending, as well as to those hereafter to be commenced.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 26, 1894.

170G

[House Bill No. 435.]

## AN ACT

To authorize the governor of the state to purchase for the state a portrait of Benjamin F. Wade.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state of Ohio be and he is hereby authorized to purchase, for a sum not exceeding five hundred (\$500) dollars, the portrait of Benjamin F. Wade, painted by Miss Caroline Ransom, of Washington, D. C., the picture to become the property of the state and to be appropriately hung in the capitol building.

Purchase of  
portrait of  
Benjamin F.  
Wade.

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
171G

[House Bill No. 865.]

## AN ACT

Supplementary to section 897 of the Revised Statutes of Ohio as amended April 24, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897h be enacted as supplementary to section 897 to read as follows:

County commissioners:

Sec. 897h. In all counties having at the federal census of 1890, or at any subsequent federal census, a population of not less than fifty-nine thousand nor more than fifty-nine thousand and four hundred, each county commissioner shall after January 1st, 1895, receive a salary of thirteen hundred dollars per annum payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor, and in all such counties each county commissioner shall devote his entire time or so much thereof as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of their respective counties on official business, each commissioner may, in addition to such salary, receive his actual traveling expenses, and no more, which shall, before being paid, be presented in an itemized account, and approved in writing by the prosecuting attorney and probate judge.

Salary, duties  
and traveling  
expenses in  
Columbiana  
county.

SECTION 2. This act shall take effect, and be in force from and after its passage.

LEONIDAS H. SOUTHARD

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 26, 1894.

172G

[House Bill No. 152.]

### AN ACT

Making appropriation to build a sewer for the Cleveland state hospital.

Appropriation  
for sewer for  
Cleveland state  
hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is appropriated of any moneys in the treasury not otherwise appropriated to the credit of the general revenue fund, for the purpose hereinafter specified, to wit:

*Cleveland State Hospital.*

For land for the purpose of constructing a sewer for the sewer of the Cleveland state hospital to the sewer of the city of Cleveland at the corner of Miles avenue and Broadway, two thousand dollars (\$2,000). For pipe for said sewer, two thousand dollars (\$2,000). For labor for said sewer, one thousand dollars (\$1,000). Any balances in any of the foregoing funds may be transferred to either of the other funds by the trustees of the Cleveland state hospital.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

THOMAS H. McCONICA,

*President pro tem. of the Senate*

Passed May 1, 1894.

173G

[House Bill No. 539.]

### AN ACT

To amend section 4786 of the Revised Statutes of Ohio as amended February 8, 1894.

One-mile assessment  
pikes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4786 of the Revised Statutes of Ohio, as amended February 8, 1894, be amended so as to read as follows:

Sec. 4786. Extra taxes, when levied as hereinbefore provided, shall be on real and personal property within one mill[mile] on each side of the free turnpike road, except when any free turnpike road in process of construction crosses a free turnpike road, either completed or in process of construction, under and by virtue of any of the road improvement or free turnpike laws, in which case such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other shall be assessed and taxed in proportion to the benefits that may be derived by the owners of the land and personal property from the construction and use of such free turnpike roads; except further, in counties containing a city of the first grade of the second class when any road improvement or free turnpike road, built and completed under any of the turnpike laws, begins or terminates in the proposed free turnpike, or where any of such roads, or any toll road, or unimproved state or county road, being unconnected with the same, runs upon either side of such proposed road, within less than two miles, then the taxes shall only be levied upon such lands and personal property as lie within one-half the distance of such roads. When the free turnpike road sought to be laid out under the provisions of this chapter is on the line between two or more counties, then said extra taxes shall be on the real and personal property within one mile on each side of the free turnpike road without exception.

Upon what property taxes to be assessed; Franklin county.

SECTION 2. That section 4786 of the Revised Statutes of Ohio, as amended February 8, 1894, be and the same is hereby repealed. Repeals

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

174G

[ House Bill No. 575.]

## AN ACT

To amend section 2704 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2704 of the Revised Statutes of Ohio be so amended as to read as follows:

Power to borrow money, etc.:

Sec. 2704. The council of any municipal corporation shall also have power to borrow money at a rate of interest not exceeding seven per centum per annum, in anticipation of the collection of any special assessment, and to issue the bonds of the corporation therefor, in the manner and form

Borrowing money in anticipation of special assessment.

Cleveland.

herein provided. Provided, however, that in a city of the second grade of the first class the aggregate debt for all purposes whatsoever shall not, after deducting the amount of the water debt and the par value of the sinking fund, exceed five per cent. of the assessed value of all property returned for taxation within such city as shown by the county auditor's tax list; and any attempt or act by any board or officer to borrow money or issue bonds or notes or other evidence of indebtedness for the above or any other purpose, when said issue would cause said debt to exceed said five per cent., shall be null and void, and of no effect; provided further, that nothing herein, or in section 2704 contained, shall be so construed as to prevent such temporary increase of indebtedness as may be incident to extending the time of payment of maturing indebtedness.

Repeals, etc.

SECTION 2. That original section 2704 be repealed, and this act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

THOMAS H. McCONICA,

*President pro tem. of the Senate*

Passed May 1, 1894.

175G

[House Bill No. 599.]

## AN ACT

To amend section 5 of an act entitled "An act to amend an act entitled 'an act for the better protection of skilled labor, and for the registration of labels, marks, names or devices covering the products of such labor of associations of workingmen or women,'" "

Protection of  
skilled labor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5 of an act entitled "An act to amend an act entitled 'an act for the better protection of skilled labor, and for the registration of labels, marks, names or devices covering the products of such labor of associations of workingmen or women,'" passed March 1892, be so amended as to read as follows:

Penalty for imitating label, etc., or displaying imitation thereof or using or displaying genuine label etc., without authority.

Sec. 5. Any person, or any officer, or agent of any person, firm or corporation, who shall imitate or display for the sale or advertisement of any goods or merchandise any imitation of any label, mark, name, brand or device which shall have been filed with the secretary of state and his certificate issued therefor, as provided for in section 4 of the act of which this is amendatory, or shall use or display for the sale or advertisement of, or upon any goods or merchandise any genuine label, mark, name, brand or device which shall have been filed with the secretary of state and his certificate issued therefor, as aforesaid, without authority derived from the union or association so filing the same,

shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than fifty dollars and not exceeding four hundred dollars, or imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court.

SECTION 2. Said section 5 of said act is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

176G

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[House Bill No. 688.]

## AN ACT

To amend section 957 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 957 of the Revised Statutes of Ohio be amended so as to read as follows:

Infirmaries  
directors:

Sec. 957. In every county in which there is a county infirmary, there shall be a board of infirmary, directors, composed of three persons, one of whom shall be chosen every year, and shall hold his office for three years, commencing on the first Monday in January next after his election. They shall be chosen by the electors of the county, unless part of the county is not taxed for the support of the county infirmary, in which case they shall be voted for only by residents of the territory so taxed; provided, however, that in counties which by the last federal census had, or which by any subsequent federal census may have a population of not less than 31,940 nor more than 31,960, and in counties which by the last federal census had, or which by any subsequent federal census may have a population of not less than thirty-four thousand four hundred (34,400) nor more than thirty-four thousand five hundred (34,500), no infirmary directors shall hereafter be elected, and the terms of those now in office shall expire on the first Monday in January, 1895. And in all such counties the board of county commissioners shall, at the expiration of such terms, become the successor of the board of infirmary directors, and shall perform all the duties, have the same powers, and be subject to the same obligations as devolve by law upon infirmary directors in counties where such boards continue to exist.

Election, number and term.

Huron county.



Repeals, etc.

SECTION 2. That said original section 957 is hereby repealed, and this act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
177G

[House Bill No. 695.]

### AN ACT

To supplement section 2270 of the Revised Statutes.

Assessments:

Special assessments in Marion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Sec. 2270d. That in any city of the fourth grade of the second class in this state, which at the last federal census had a population of 8,327, or which at any subsequent federal census may have a population not less than 8,317, notwithstanding the provisions of said section, the assessment or tax specially levied, mentioned in said section 2270, and for the purpose therein named, may be an amount not to exceed fifty per centum of the value as assessed for taxation of and upon any lots or lands in any such city, and on either side of which along the line of the improvement, either mediately or immediately, the lots and lands or a part thereof have been improved.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
178G

[House Bill No. 732.]

### AN ACT

To supplement section 2702 of the Revised Statutes of Ohio.

Restrictions as to contracts, appropriations, and expenditures:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2702 of the Revised Statutes be supplemented as follows:

Sec. 2702a. Provided, however, that nothing in said section 2702 shall apply to proceedings for the change of grade of a street or alley, or to appropriation of property for street or alley purposes.

Proceedings in which preceding section inapplicable.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

179G

[House Bill No. 898.]

## AN ACT

To amend section 1808 of the Revised Statutes of Ohio, as amended April 19, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1808 of the Revised Statutes of Ohio, as amended April 19, 1894, be so amended as to read as follows:

Clerk of police court:

Sec. 1808. He shall give such bonds, with sureties, as may be required by the council and county commissioners, and shall receive for his services, in cities of the first class, in city cases, a fixed salary, to be prescribed by ordinance of the council, of not less than twelve hundred dollars nor more than two thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding twelve hundred and fifty dollars per year; and in cities of the third grade and third grade *a*, of the second class, in city cases, a fixed salary, to be prescribed by ordinance of the council, of not less than six hundred dollars nor more than one thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding two hundred dollars per year.

Bonds and compensation.

SECTION 2. That said section 1808, as amended April 19, 1894, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

180G

## AN ACT

To amend section 2824 of the Revised Statutes of Ohio as amended April 10th, 1894, and to repeal certain acts herein named.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 2824 of the Revised Statutes as amended April 10th, 1894, be amended so as to read as follows:

Levy of taxes:  
for county  
road and  
bridge pur-  
poses.

Bridge fund.

Hamilton  
county.

Cincinnati.

Sec. 2824. The commissioners, at their March or June sessions, annually, may levy on each dollar of valuation of taxable property within their county, for road and bridge purposes, as follows: In a county where the valuation of taxable property exceeds eighty millions and does not exceed one hundred and twenty millions dollars, five-tenths of a mill; where the amount exceeds fifty millions and does not exceed eighty millions dollars, seven-tenths of a mill; where the amount exceeds twenty millions and does not exceed fifty millions dollars, one mill and one-tenth; where the amount exceeds ten millions and does not exceed twenty millions dollars, one mill and five-tenths; where the amount exceeds five millions and does not exceed ten millions dollars, three mills; and where the amount is less than five millions dollars, five mills and five-tenths; and of the tax so levied, the commissioners shall set apart such portion as they may deem proper, to be applied to the building and repair of bridges, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate in a separate column, and shall be collected in money, and expended, except as may be otherwise provided by law, under the direction of the commissioners in building bridges and culverts, or in repairing the same; provided, that in any county containing a city of the first grade of the first class, where the valuation of taxable property exceeds two hundred millions of dollars the commissioners of said county may levy on each dollar of valuation of taxable property within said county, for bridge purposes exclusively, not to exceed one-half of a mill, which shall be collected in money and placed by the auditor to the credit of the bridge fund of the county, and the same shall be expended by the commissioners in building bridges and culverts, and in repairing and making fills and approaches to the same in the townships outside of the corporate limits of said city, and for no other purpose whatever; except that a portion of said fund collected in the said county, amounting to not less than a levy of one-sixth of a mill on each dollar of valuation of taxable property within said county, in all cases where the board of legislation of said city of the first grade of the first class shall demand it, shall be paid into the city treasury of said city and shall be expended by the board of administration of said city, for the purpose of building and repairing bridges within the corporate limits of the same;

provided further, that in case an important bridge belonging to or maintained by any county has been or shall be destroyed or become dangerous to public travel by decay or otherwise, and the restoration thereof is deemed necessary for public accommodation, the commissioners may levy a special tax for that purpose, not exceeding one mill and five-tenths the proceeds of which shall be applied solely to such restoration; and the commissioners may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so specially levied or to be levied, at any rate of interest not exceeding six per centum, and issue notes or bonds therefor, payable upon the collection of such special tax; provided further, that in all cities of the second grade of the first class, and all cities of the second class one-half the proportion of said bridge fund collected upon the property within said cities, in all cases where the city council shall demand it, shall be paid into the city treasury, and shall be expended by such city for the purpose of building and repairing bridges; and provided further, that in cities having at the last federal census or at any subsequent federal census a population of 8,273, the whole of the proportion of said bridge fund collected upon the property within said city shall, upon demand of the council of said city therefor be paid into the treasury of said city, and shall be expended by said city for the purpose of building and maintaining bridges therein; provided further, that the commissioners of Montgomery county shall levy not exceeding one mill and six-tenths for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Dayton, and the proceeds of such levy shall be applied exclusively to roads and bridges outside of said city; and the council of said city may annually levy on the taxable property within the same, for bridge purposes, a tax of one mill and one-tenth in addition to the total aggregate of taxation now authorized by said council, to be expended for building and repairing bridges within said city; and provided further, that the commissioners of Trumbull county may levy not to exceed the rate allowed by law for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Warren, and the proceeds of such levy shall be applied exclusively to road and bridge purposes outside of said city; and the council of said city may annually levy on each dollar of valuation of taxable property within said city for bridge purposes, one and five-tenths of a mill, in addition to the total aggregate of taxation now or hereafter authorized by law, to be expended for the repair and building of bridges within said city, except that in the event that the commissioners of the county transfer from the road and bridge fund to some other fund, the whole or some part of the six-tenths of a mill as now allowed by law, the council of said city shall make a like transfer to the same county fund; and the council of said city may anticipate the whole or some part of the annual levy for said pur-

Special tax  
to restore im-  
portant bridge.

Anticipation  
thereof.

Cleveland and  
cities second  
class.

Marietta.

Montgomery  
county.

Dayton.

Trumbull  
county.

Warren.

poses for the period of ten years or less, by borrowing a sum, not exceeding twenty thousand dollars, at a rate of interest not exceeding six per centum, and issue bonds therefor, payable on the collection of said tax. Said last proviso relating to the city of Warren in said Trumbull county shall expire by limitation after twelve years from the time it becomes a law, and said city shall again become a part of the county for bridge purposes under the general law.

Repeals, etc.

SECTION 2. The said original section 2824 as amended February 6th, 1894, and as amended April 10th, 1894, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

181G

[House Bill No. 667.]

## AN ACT

To amend section 4215 of the Revised Statutes of Ohio, as amended March 22, 1892 (O. L., vol. 89, p. 129), as amended April 27, 1893 (O. L., vol. 90, p. 347), as amended March 27, 1894.

Animals:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4215 of the Revised Statutes of Ohio, as amended March 22, 1892 (O. L., 89, p. 129), as amended April 27, 1893 (O. L., vol. 90, p. 347), be amended so as to read as follows:

Statement of damages for sheep killed or injured by dogs.

Sec. 4215. Any person damaged by the killing or injury of sheep by dog or dogs, may present a detailed account of the injury done, with damages claimed therefor, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred, and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed, and nature and amount of the injury, and shall make it appear to the satisfaction of the trustees upon the parole testimony of at least two other persons who are freeholders of the neighborhood where the injury was done, that the damage claimed is just and reasonable; and also make it appear that such injury was not caused in whole or in part by any animal kept or harbored by him, or by any employe or tenant of the owner upon such owner's premises, and that he does not know whose animal committed such injury, or if known, and such account reduced to judgment could not be collected on execution; and the witnesses in such cases, not exceeding two, shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any such

Witnesses.

Fees of witnesses.

Oath of claimant and witness

claimant or witness; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of the same, such affidavit may be made by such employe or tenant, and the testimony of such employe or tenant may be received in regard to all matters relating thereto to which such owner would be competent to testify. The trustees shall hear such claims in the order of their filing, and may allow the same or such parts thereof as they may deem right, and if satisfied that such claim is correct and just, they shall indorse thereon the amount allowed and transmit the same with the testimony so taken, together with the fees due witnesses over their own official signatures to the county commissioners, in care of the county auditor, who shall enter upon a book to be kept for that purpose, in their order, each claim received; the county commissioners shall at their next regular meeting examine the same, and if found in whole or in part correct and just, order the payment thereof, or such parts as they may have found correct and just, to be paid out of the fund created by the per capita tax on dogs; and such claims as may have been allowed in whole or in part, shall be paid at the annual meeting in September; and provided, that if such fund is insufficient to pay all such claims in full they shall be paid pro rata; and if, after paying all such claims at any such session, there remain more than one thousand dollars of such fund, the excess, or a part thereof, may be transferred to the school fund, the bridge fund or to the fund for the relief of indigent soldiers, at the discretion of the county commissioners; but in Cuyahoga county so much of the excess as may be required may be appropriated to the payment of the amount authorized by the second section of the act relating to industrial schools or children's homes, passed April 24, 1877; and provided further, that in counties having therein a city of the third grade of the first class in which there exists a society "to prevent cruelty to animals," organized under chapter 12, title 2, of the Revised Statutes, the said excess shall be paid over to the treasurer of said society; and provided further, that in any county having at the last federal census, or which at any subsequent federal census may have, a population of not less than 38,000 nor more than 38,100, the county commissioners may examine and pay such claims for sheep killed or injured by dogs at any regular quarterly session of such commissioners; and provided further that in any county having at the last federal census or which at any subsequent federal census may have a population of not less than 33,930 nor more than 33,950 the said excess shall be paid annually over to the treasurer of the agricultural society of said county to be expended by said society in the payment of its present existing indebtedness, and provided further that in Morgan county the said excess shall be annually paid over to the treasurer of the agricultural society of said county to be expended for the payment of its present existing indebtedness for the period of 5

Employe or  
tenant.

Hearing, allow-  
ance, indorse-  
ment, trans-  
mission and  
record of  
claims.

Examination  
and order for  
payment.

Payment.

When fund in-  
sufficient;  
transfer of  
excess.

Cuyahoga  
county.

Lucas county.

Richland  
county.

Fairfield  
county.

Morgan county.

Blanks for  
accounts, affi-  
davits and  
testimony.

years; all accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of state, and which blanks shall be furnished by the county commissioners.

Repeals.

SECTION 2. That section 4215, as amended March 22, 1892, as amended April 27, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 2, 1894.

182G

[House Bill No. 911.]

## AN ACT

Supplementary to section 897 of the Revised Statutes of Ohio, amended April 24, 1893.

County com-  
missioners:

Duties, salary  
and traveling  
expenses in  
Seneca county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897*k* be enacted as supplementary to section 897, as follows:

Sec. 897*k*. In all counties which by the federal census of 1890 had or which at any subsequent federal census may have a population of not less than forty thousand, eight hundred and sixty-nine (40,869) nor more than forty thousand, eight hundred and seventy-nine (40,879), each county commissioner elected after the passage of this act shall devote his entire time to the duties of his office and for his compensation shall receive a salary of twelve hundred dollars (\$1,200) per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor, and shall receive nothing in addition to the salary so provided, either directly or indirectly by way of mileage, per diem expenses paid out or otherwise, except when necessary to go out of his county on official business, he may, in addition to such salary receive his actual traveling expenses, which shall before being paid, be presented in an itemized account and approved in writing by the prosecuting attorney and probate judge of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 2, 1894.

183G

[House Bill No. 910.]

## AN ACT

Supplementary to section 968 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 968c be enacted as supplementary to section 968, as follows:

Infirmary directors:

Sec. 968c. In all counties which by the federal census of 1890 had, or which at any subsequent federal census, may have a population of not less than forty thousand eight hundred and sixty nine, nor more than forty thousand eight hundred and seventy-nine, each county infirmary director elected after the passage of this act shall visit the infirmary once each week, in the discharge of the duties of his office, and for his compensation shall receive a salary of one hundred and fifty dollars per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor, and shall receive, nothing in addition to the salary so provided, either directly or indirectly or by way of extra service.

Weekly visits to infirmary and salary in Seneca county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 3, 1894.  
184G

[Senate Bill No. 274.]

## AN ACT

Supplementary to an act passed April 17, 1882 (79 v., 101), supplementary to an act passed April 28, 1891 (88 v., 407), and supplementary to an act passed April 18, 1892 (89 v., 370), to regulate safe deposit and trust companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to the act passed April 17, 1882 (79 v., 101), supplementary to the act passed April 28, 1891 (88 v., 407), and supplementary to the act passed April 18, 1892 (89 v., 370):

Safe deposit and trust companies:

Sec. 3821g. Any safe deposit and trust company organized under the acts to which this is supplementary, and engaged (exclusively) in the business of a safe deposit and trust company, may loan or invest any moneys or properties received in trust by such company, together with the capital of such company, in the following securities, in addition to those now authorized by law, *i. e.*, in the stocks or [of] gas light and coke companies, gas companies, gas and

Loans on or investments in stocks.



electric light companies, or stocks of street railway companies which have paid regular dividends on their stock five years next preceding such loan or investment, and located in the county in which such safe deposit and trust company is located, or in which it has its principal office, provided, however, that no investment of any moneys or properties held in trust by any such company, or investment of any part of the capital of any such safe deposit and trust company shall be made in the stock of any such gas light and coke company, gas company, gas and electric light company, or street railway company, unless authorized by the board of directors of such safe deposit and trust company by resolution entered upon its minutes; and provided further, that not more than ten per centum of the capital of any such safe deposit and trust company shall be invested or loaned in any one security or loan.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 4, 1894.

185G

[House Bill No. 633.]

## AN ACT

To provide for the publication of names of ex-soldiers, sailors and marines residing in Ohio.

Corrected lists  
of ex-soldiers,  
sailors and  
marines.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the assessor in each township, as township assessor of his township, and each city, ward, or precinct assessor, as assessor of his city, or ward or precinct, shall make and deliver to the county auditor of their respective counties, at the time of making their annual assessment in the year 1895 a corrected list of persons who served in the United States army, navy or marine corps during the Mexican war and the war of rebellion, designating the rank, company, regiment, battery or vessel in which they served, and their present residence, town and county, which several lists shall be returned with the assessor's books to the county auditor, who shall, on or before the first day of September, 1895 certify to the adjutant-general a true copy of said lists, alphabetically arranged.

Consolidation.

Blanks.

SECTION 2. The adjutant-general, on receipt of said lists from the county auditors, shall proceed to consolidate said lists alphabetically, and shall keep said list upon file in his office. The county auditor of each county shall furnish the assessors of his county such blanks as may be necessary.

sary for taking the aforesaid statements, which said blanks shall be furnished by the auditor of state to the county auditor. Any county auditor, township assessor, city or ward assessor who shall fail or refuse to perform any of the duties required of him by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five dollars nor more than one hundred dollars for each and every offense. Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 4, 1894.  
186G

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[House Bill No. 660.]

### AN ACT

To further supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes of Ohio, as amended April 24, 1893, be and the same is hereby supplemented as follows: County commissioners:

Sec. 897f. That in counties which by the federal census of 1890 had a population of not less than twenty-one thousand seven hundred (21,700) and not more than twenty-one thousand seven hundred and thirty-five (21,735) each county commissioner on and after January first, 1895, shall receive a salary of eight hundred dollars per annum payable, in equal monthly instalments out of the county treasury, upon the warrant of the county auditor; and in all such counties last mentioned, having at the federal census of 1890 a population of not less than twenty-one thousand seven hundred (21,700) nor more than twenty-one thousand seven hundred and thirty-five (21,735) each of such county commissioners shall devote his entire time, or so much thereof as may be necessary to attend properly to the duties of the office, and shall receive nothing in addition to his salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of their respective counties on official business each commissioner may, in addition to his salary, receive his actual expenses while so traveling out of his said county, and no more, which shall, before being paid, be presented in an itemized account and approved in writing by the prosecuting attorney and probate judge. Salary, duties and traveling expenses in Wyandot county.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 4, 1894.  
187G

[Senate Bill No. 95.]

## AN ACT

To amend section 5963 of the Revised Statutes of Ohio.

Wills—election  
by widow or  
widower:

Issue of citation; period within which election shall be made; petition for construction and a twice provision in addition to dower, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5963 of the Revised Statutes be amended so as to read as follows:

Sec. 5963. If any provision be made for a widow or widower in the will of the deceased consort, the probate court shall, forthwith, after the probate of such will, issue citation to such widow or widower to appear and elect whether to take such provision or to be endowed of the lands of the deceased consort and take the distributive share of the personal estate; and such election shall be made within one year from the date of the service of the citation aforesaid; provided, that such widow or widower may, at any time before the period of such election has expired, file her petition in the court of common pleas for the proper county, making all persons interested in said will defendants to such petition, asking a construction of the provisions of said will in her or his favor, and to have the advice of said court, or of the proper appellate court on appeal thereon, and if proceedings for such advice, or proceedings to contest the validity of such will be commenced within such year, the widow or widower shall be entitled to make election within three months after such proceedings shall have been finally disposed of, and said will shall not have been set aside; but the widow or widower shall not be entitled to both dower and the provisions of the will in her or his favor, unless it plainly appears by the will to have been the intention that the widow or widower should have such provision in addition to the dower and such distributive share.

Application of  
provisions of  
preceding section, etc.

SECTION 2. And be it further enacted, that the provisions of section 5963, aforesaid, as amended herein, shall apply to any proceedings heretofore commenced and now pending in said court of common pleas or on appeal, and that this act shall take effect on its passage.

SECTION 3. And be it further enacted, that said section 5963, herein amended, be repealed. Repeals.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
188G

[House Bill No. 21.]

### AN ACT

To amend section one of an act entitled "An act to authorize telephone companies to place and maintain their wires under ground, when consent is had of cities where the same are situated."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize telephone companies to place and maintain their wires under ground, when consent is had of cities where the same are situated," passed April 8, 1891, be and the same is hereby amended to read as follows:

Telephone and  
telegraph com-  
panies:

Sec. 1. Any company organized under the laws of this or of any other state, and owning and operating a telephone exchange, or doing a telegraph business, in any city in this state, may construct and maintain underground wires and pipes, or conduits and other fixtures for containing, protecting and operating such wires in the streets and public ways of said city, when the consent of such city has been obtained therefor, and it shall be unlawful for any corporation, company or individual to erect any telephone or telegraph-pole or poles within that portion of any city in this state where subways have been constructed, except such poles as may be required for the purpose of distributing wires from said subways to subscribers, stations, and all such poles shall, so far as possible, be located in alleys; provided that this section shall not apply to existing telegraph companies until such companies shall have authority and sufficient time to construct subways; and whoever violates any of the provisions of this section, shall be punished by a fine of not more than two hundred and not less than fifty dollars.

Subways for  
telep one and  
telegraph wires  
in cities; erec-  
tion of poles;  
penalty.

SECTION 2. That said original section 1 be and the same is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
189G

[House Bill No. 405.]

## AN ACT

To amend section 453 of the Revised Statutes of Ohio, as amended February 7, 1885.

**Circuit court :** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 453 of the Revised Statutes of Ohio, as amended February 7, 1885, be amended so as to read as follows:

**Exchange of disqualified judge for judge of other circuit.**

Sec. 453. When a judge of the circuit court is interested in any cause or matter pending in the circuit court of any county of his circuit, or is related to or has a bias or prejudice for or against either or any party to such cause, or has a bias or prejudice for or against any attorney of record of any party to such cause, or has sat in the lower court in the same cause or matter, or is otherwise disqualified to sit in such cause or matter, on the filing of an affidavit of either or any party to such cause or matter, or of his or her counsel setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court wherein such cause is pending shall forthwith enter the fact of the filing of such affidavit in said cause on the trial docket of said court, and shall forthwith notify the chief justice of the circuit court, or if he be disqualified, as aforesaid, or be absent from the state or disabled in any manner, a judge of some other circuit who is qualified, who shall thereupon, forthwith, make an order transferring, for the time being, the judge named in such affidavit, to another circuit in exchange for a judge of the circuit court of such other circuit, who is qualified to sit in the trial or hearing of such cause or matter and designate and appoint said judge from such other circuit to take the place of the judge disqualified, as aforesaid, in the hearing of any such cause or matter where the same is pending; and the order therefor shall be entered upon the journal of said court, and the judge so designated to take the place of said judge disqualified, as aforesaid, shall proceed to perform the duties so assigned to him; and said judge so disqualified, as aforesaid, shall not sit in the trial or hearing of said cause or matter. And whenever satisfied that the business of any circuit requires it, such chief justice shall assign any judge of the circuit court to hold court in a circuit other than that in which said judge resides.

**Assignment of judge to other circuit.**

**Repeals, etc.**

SECTION 2. That said section 453, as amended February 7, 1885, is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

190G

[House Bill No. 465.]

## AN ACT

To regulate the shipping of merchandise upon railways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all railroad companies operating any line of railway in the state of Ohio, upon demand of any person or corporation desiring to ship goods or merchandise of any kind in car lots, at any railway station or shipping point in the state of Ohio, shall count or check the packages composing each lot or car load, and furnish to the shipper of such goods a receipt or bill of lading, specifying the number of packages shipped in each car; and such receipt shall bind the railroad company so executing the same to deliver the same number of packages so specified, at the place of destination named in such bill of lading.

Railroad companies required to furnish bills of lading; effect of such receipt.

SECTION 2. Any railroad company, or any agent or officer thereof, refusing to comply with the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered by civil action against the railroad company by which such agent or officer is employed, or to which company such goods are offered for shipment.

Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.  
191G

[House Bill No. 679.]

## AN ACT

To amend section 2678 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2678 of the Revised Statutes of Ohio be so amended as to read as follows:

Law libraries:

Sec. 2678. The judges of the court of common pleas of a county containing a city of the first or second grade of the first class, or of the first grade of the second class, in which there now is or may hereafter be a law library association which furnishes to all the county officers and the judges of the several courts in such county admission to its library, and the use of its books free of charge, shall, upon the appointment by the trustees of such association of a person to act as librarian thereof, fix the compensation of such librarian thereof, which shall be paid out of the county treasury.

Compensation of librarian in Hamilton, Cuyahoga and Franklin counties.

SECTION 2. That said section 2678 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed May 8, 1894.  
192G

[House Bill No. 936.]

### AN ACT

To further supplement section 957 of the Revised Statutes of the state of Ohio.

Infirmiry directors:

Office abolished, and duties vested in commissioners, in Tuscarawas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 957 of the Revised Statutes be and the same is hereby supplemented as follows:

Sec. 957b. That in counties having a population at the last federal census of not less than 46,000 nor more than 47,000 and in which there is a board of infirmiry directors elected as provided in said section 957 the office of infirmiry director shall from and after the first day of January, 1895, be and the same is hereby abolished and all the duties heretofore performed by said board of infirmiry directors in said counties having a population at the last federal census of not less than 46,000 nor more than 47,000 shall after said first day of January, 1895, be performed by the county commissioners of such county or counties.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed May 8, 1894.  
193G

[House Bill No. 853.]

### AN ACT

To amend section 1 of an act entitled "An act to amend an act entitled an act relating to the posting of court calendars and legal notices in certain counties," as amended February 2, 1886.

Courts:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act passed April 14, 1884, and amended February 25, 1886, entitled "An act relating to the posting of court calendars and legal notices in certain counties," be amended to read as follows:

Sec. 1. In all counties in this state containing a city of the first class, the judges of the courts of record, in such counties other than the circuit court, shall jointly designate a daily law journal, published in said county, wherein shall be published all calendars of the courts of record in said county, which calendars shall contain the numbers and titles of causes and names of attorneys appearing therein, together with the motion dockets, and also such particulars and notices respecting causes, as may be specified by said judges, and every notice required to be published by any of said judges. And in all cases, proceedings, administration of estates, assignments, and matters pending in any of the courts of record in said county, wherein legal notices or advertisements are required to be published by law, the law journal, designated as above, shall once a week and on the same day of the week, publish an abstract of every such legal advertisement; provided, however, that the jurisdiction over, or regularity of proceedings, trial or judgment, shall in no wise be affected by anything herein.

Publication of  
court calendars  
and legal notices  
in law journals.

SECTION 2. Said section 1 of said act is hereby repealed and this act shall take effect and be in force on and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
194G

[House Bill No. 900.]

## AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897m be enacted supplementary to said section 897 of the Revised Statutes as follows:

County commissioners:

Sec. 897m. Each county commissioner in all counties having by the federal census of 1890, or any subsequent federal census, a population of not less than 31,940 nor more than 31,960, and those having at the said federal census of 1890, or at any subsequent federal census, a population of not less than 35,400 nor more than 35,500 shall receive a salary of \$800 per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the auditor; and each commissioner in such counties shall devote his entire time to the duties of his office if so required, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official

Salary, duties  
and traveling  
expenses in  
Huron and  
Erie counties.



business, each commissioner may in addition to such salary, receive his actual traveling expenses and no more which, before being paid shall be presented in an account and approved in writing by the prosecuting attorney and probate judge.

SECTION 2. This act shall take effect on its passage

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 9, 1894.

195G

[Senate Bill No. 12.]

### AN ACT

To prohibit the shipping of quail from the state.

Unlawful killing or transportation of quail; evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall at any time kill any quail for the purpose of conveying the same beyond the limits of this state, nor for the purpose of sale in the markets of this state, or shall transport, or have in possession with intent to procure the transportation beyond said limits any of such birds killed within this state. The reception by any person within this state of any such birds for shipment to a point without the state, shall be prima facie evidence that said birds were killed within the state for the purpose of carrying the same beyond its limits.

Penalty.

SECTION 2. Any person violating any of the provisions of the preceding section, shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 9, 1894.

196G

[Senate Bill No. 32.]

### AN ACT

To amend section 2677 of the Revised Statutes of Ohio.

Injuries from excavations—damages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2677 of the Revised Statutes be so amended as to read as follows:

Sec. 2677. Such owner or possessor may dig, or cause to be dug, any such cellar, pit or excavation, to the full depth of any foundation wall of any building upon the adjoining lot or lots, or to the full depth of nine feet below the established grade of the street whereon such lot abuts, without reference to the depth of adjoining foundation walls, without incurring the liability prescribed in this chapter, and may, on thirty days' notice to adjoining owners, grade and improve the surface of any lot to correspond with the established grade of the street or alley upon which it abuts without incurring liability.

Depth of excavation allowable; grading and improving of surface of lot.

SECTION 2. That said original section 2677 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.  
197G

[Senate Bill No. 174.]

## AN ACT

To amend section 3654 of the Revised Statutes, as amended April 11, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3654 of the Revised Statutes, as amended April 11, 1893, be amended so as to read as follows:

Insurance companies other than life:

Sec. 3654. The president or vice-president and secretary of such [each] insurance company organized under any law of this or any other state, and doing business in this state, shall, annually, on the first day of January, or within thirty days thereafter, prepare, under oath, and deposit in the office of the superintendent of insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, and in the following form, namely:

Annual statements of companies.

*First*—The amount of the capital stock of the company, specifying the amount paid and unpaid.

*Second*—The property or assets held by the company, specifying:

1. The value of the real estate owned by such company, where it is situated and the value of the buildings thereon.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in course of transmission.

Annual state-  
ments of com-  
panies.

4. The amount of loans secured by bonds and mortgages, which are first lien on real estate, and on which the interest is less than one year's interest due.

5. The amount of loans on which interest has not been paid within one year.

6. The amount due the company on which judgments have been obtained and the cash value thereof.

7. The amount of stocks in this state, the United States, of any city of this state, and of any other stock owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stock.

8. The amount of stock held as collateral security for loans, with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid and amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies are issued.

12. The number of policies in force.

13. The amount insured under all policies in force.

14. The amount of premiums received thereon.

15. The amount and description of all other assets.

*Third*—The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by company.

3. The amount of losses incurred during the year including those claimed and not due, and those reported to the company upon which no action has been taken.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends, either cash or scrip, declared but not due.

6. The amount of money borrowed and the security given for the payment thereof.

7. The amount required for reinsurance, being, in stock companies, a sum equal to fifty per cent. of the whole amount of premiums on unexpired risks and policies; in mutual companies a sum equal to fifty per cent. of the cash premiums received on unexpired risks and policies.

8. The amount of all other existing claims against company.

*Fourth*—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes or contingent assets received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

*Fifth*—The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in each preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.

5. The amount of all payments and expenditures.

6. Amount of scrip dividend declared.

Every mutual fire insurance company created by or organized under any general or special law or act, and doing business in Ohio under any law of this state, upon or without the premium note plan, which shall, by its policy, by-laws or published statements of its financial affairs, claim the benefit of the guarantee fund, or the contingent liability of its policy-holders, as provided for in section 3634 of the Revised Statutes, as now in force, shall be held as having organized under the laws of this state as now in force, and be governed by all the provisions thereof as applicable to such companies; and every such mutual fire insurance company that shall neglect or refuse to make and forward to the superintendent of insurance such annual report of its affairs as is required by law, or shall refuse to allow or permit the superintendent of insurance free access to its books and papers, and investigate the financial standing of such company, the charter of every such company organized under the laws of this state as aforesaid, and so neglecting and refusing, shall thereby become forfeited, and the said superintendent of insurance shall proceed without delay to bring the affairs of such company to a close.

Certain mutual  
fire insurance  
companies.

SECTION 2. Section 3654, as amended April 11, 1893, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
198G

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[Senate Bill No. 184.]

## AN ACT

To amend section 2232 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-two hundred and thirty-two (2232) of the Revised Statutes of Ohio be amended so as to read as follows:

Appropriation  
of property:

Purposes for  
which municip-  
alities may  
appropriate  
realty.

Sec. 2232. Each city and village may appropriate enter upon and hold real estate within its corporate limits for the following purposes, but no more shall be taken or appropriated than is reasonably necessary for the purpose for which it is to be applied:

1. For opening, widening, straightening and extending streets, alleys and avenues; also for obtaining gravel or other material for the improvement of the same, and for this purpose the right to appropriate shall not be limited to lands lying within the limits of the corporation.

2. For market-space.

3. For buildings and structures required for the use of the fire-department.

4. For public halls and necessary offices.

5. For prisons.

6. For infirmaries.

7. For workhouses.

8. For houses of refuge and correction.

9. For public hospitals.

10. For public parks, after a notice of not less than thirty days, given in two newspapers of opposite political parties, if there be such published in said village or city, or in writing; and after the proposition to purchase and appropriate has been voted upon and approved by a majority of those voting upon the proposition; and for this purpose the right to appropriate shall not be limited to lands lying within the corporation; and after such affirmative vote the council shall have the right and power to issue the bonds of said village or city, in payment of the amount so fixed by the court by proceedings in condemnation as to the value of said property.

11. For gas-works.

12. For water-works; and for this purpose the right to appropriate shall not be limited to lands lying within the corporation.

13. For school-house sites and grounds; and for this purpose the board of education shall select the site and recommend the appropriation; and for university sites and grounds; and for this purpose the board of directors of the university whose property is exclusively owned and whose directors are appointed by the municipal corporation, shall select the site and recommend the appropriation.

14. For public cemeteries; for which purpose the right to appropriate shall not be limited to land lying within the corporation; but no land shall be appropriated under this provision until the court is satisfied that suitable premises can not be obtained by contract upon reasonable terms; and no land shall be appropriated upon which there may be a dwelling-house, orchard or nursery, or any valuable mineral or other medicinal spring or well actually yielding gas, oil or salt water; nor shall land be appropriated for such purpose within one hundred yards of any dwelling-house.

15. For public wharves and landings on navigable waters.

16. For levees to protect against floods; and for this purpose the corporation shall have power to appropriate, enter upon and take private property lying outside of the corporate limits, and may extend and strengthen its levees and embankments along a river or stream adjacent to the limits of the corporation, and may widen the channel of such river or stream.

17. For necessary bridges.

18. For constructing, opening, excavating, improving, deepening, enlarging, straightening and extending any canal, ship canal or watercourse, located in whole or in part within the limits of the corporation, which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvement.

19. For sewers, drains and ditches; and for this purpose the corporation shall have power to appropriate, enter upon and take private property lying outside of the corporate limits; but no lands not subdivided in lots or parcels of more than ten (10) acres, or tenements annexed or appropriated, shall be taxed at a higher rate than that in the township from which said lands and tenements were taken, so long as said lands and tenements are used for agricultural purposes only.

20. For public urinals, water-closets and privies.

21. For lighting for any public use.

SECTION 2. That original section 2232 of the Revised Statutes of Ohio is hereby repealed. Repeals.

SECTION 3. This act to take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
199G

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[Senate Bill No. 225.]

### AN ACT

To repeal section 2123 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2123 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
200G

[Senate Bill No. 293.]

## AN ACT

To amend section 2732 as amended March 13, 1891, of the Revised Statutes.

Taxation:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2732 as amended March 13, 1891, of the Revised Statutes be so amended as to read as follows:

Property  
exempt from  
taxation.

Sec. 2732. The following property shall be exempt from taxation:

*First.* All public school-houses, and houses used exclusively for public worship, the books and furniture therein and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with the view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning of this state: Provided, nevertheless, that all leaseholds or other estates or property whatsoever, real or personal, the rents, issues, profits and incomes of which have been or hereafter shall be given to any city, town, village, school district or subdistrict, in this state, exclusively for the use, endowment or support of schools for the free education of youth without charge, are and shall be exempt from taxation so long as such property, or the rents, issues, profits and income thereof shall be used and applied exclusively for the support of free education by such city, town, village, district or subdistrict.

*Second.* All lands used exclusively as graveyards or grounds for burying the dead, except such as are held by any person or persons, company or corporation, with a view to profit, or for the purpose of speculating in the sale thereof.

*Third.* All property, whether real or personal, belonging exclusively to the state or the United States.

*Fourth.* All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres, on which such buildings are erected.

*Fifth.* All lands, houses, and other buildings belonging to any county, township, or town, used exclusively for the accommodation or support of the poor.

*Sixth.* All buildings belonging to institutions of purely public charity and all buildings belonging to and used exclusively for armory purposes by lawfully organized military organizations which are and shall continue to be fully armed and equipped at their own expense, by law made and subject to all calls of the governor for troops, in case of war, riot, insurrection or invasion, together with the land actually

occupied by such institutions and that owned by and used as sites for such armory buildings of said military organizations, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustain, and belonging exclusively to said institutions and military organization.

*Seventh.* All fire-engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe-keeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein.

*Eighth.* All market-houses, public squares, or other public grounds, town or township halls, used exclusively for public purposes, and all works, machinery, pipe-lines and fixtures belonging to any town, and used exclusively for conveying water to such town, or for heating or lighting the same.

*Ninth.* Each individual residing in this state may deduct a sum not exceeding one hundred dollars, as exempt from taxation from the aggregate listed value of his taxable personal property of any kind of which such individual is the actual owner except dogs.

*Tenth.* All funds raised and set apart for the purpose of building monuments to the fallen soldiers of this state, and all monuments and monumental buildings, when erected, shall be forever exempt from taxation for any purpose whatever.

SECTION 2. That said original section 2732, as amended March 13, 1891, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
201G

[Senate Bill No. 334.]

## AN ACT

To amend section 676 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 676 of the Revised Statutes be so amended as to read as follows :

Sec. 676. The trustees are authorized and required to receive into the home, under such rules and regulations as they adopt, the children and orphans residing in Ohio of such soldiers and sailors who have died or may hereafter die by reason of wounds received or disease contracted in

Ohio soldiers' and sailors' orphans' home :

Receipt and retention of children.



the late civil war, that are found to be destitute of means of support and education; and the children, also, of permanently disabled or indigent soldiers and sailors of service found destitute as aforesaid; and all children admitted shall be supported and educated until they are sixteen years of age, unless for good cause sooner discharged. The board of trustees may, however, retain such children until they arrive at the age of eighteen years and also retain all children who are members of the graduating class until the close of that school year.

Repeals.

SECTION 2. That said original section 676 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

202G

[Senate Bill No. 373.]

## AN ACT

To apportion the seventh and eighth judicial districts and the fourth and seventh judicial circuits of Ohio, and to authorize the election of an additional judge in the third subdivision of the seventh common pleas judicial district.

Reapportionment of seventh and eighth judicial districts and fourth and seventh judicial circuits.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Monroe county be and the same is hereby transferred from the second subdivision of the eighth common pleas judicial district of Ohio to the third subdivision of the seventh judicial district, and from the fourth judicial circuit to the seventh judicial circuit; and that Vinton county be and the same is hereby transferred from the second subdivision of the seventh common pleas judicial district aforesaid to the third subdivision thereof.

Additional judge in third subdivision of seventh district.

SECTION 2. There shall be one additional judge of the court of common pleas in and for the seventh common pleas judicial district of the state of Ohio, who shall be resident of the third subdivision thereof and elected by the qualified electors of said subdivision. The election of said additional judge shall be held at the annual election therefor for state officers on the first Tuesday after the first Monday in November, A. D. 1894, and his term of office shall commence on the first Monday of January next thereafter, and continue five years, and said additional judge shall again be elected every five years thereafter for the same term and commencing at the same time.

SECTION 3. It shall be the duty of the sheriff in each county to give proclamation, as provided by law, of said election, which shall be conducted in all respects as now provided by law for election of common pleas judge. The compensation, duties, powers, jurisdiction and penalties of said judge shall be the same as the other judges of said court in said subdivision.

Proclamation of election; compensation, duties, powers, etc.

SECTION 4. When a vacancy occurs in the office of said additional judge, it shall be filled in the manner now provided for filling vacancies in the office of judge of said court.

Vacancy.

SECTION 5. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
203G

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[Senate Bill No. 166.]

### AN ACT

To supplement section 2680 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2680 of the Revised Statutes of Ohio be supplemented as follows:

Law libraries:

Sec. 2680*b*. That in all counties in which there is such library association mentioned in section 2680, and in which there is a city of the third grade *b* of the second class, and in which there is no such police court, that all fines and penalties which are assessed and collected by the mayor of said city, prosecuted in the name of the state or city, shall be paid quarterly by said mayor to the trustees of such library association, to be expended in the purchase of law books and the maintenance of such association; but the sum so paid shall not exceed five hundred dollars per annum, and should be subject in all other respects to the provisions contained in section 2680.

Appropriation of certain fines to use of library in Butler county.

SECTION 2. This act shall take effect and be in full force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
204G

AN ACT

To amend sections 2777, 2778, 2778a, 2779 and 2780 of the Revised Statutes, and to repeal an act entitled "An act to amend and supplement sections 2777, 2778, 2779 and 2780 of the Revised Statutes of Ohio," passed April 27, 1893 (90 O. L., 330).

**Taxation:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2777, 2778, 2778a, 2779 and 2780 of the Revised Statutes of Ohio be amended so as to read as follows:

**Express, telegraph and telephone companies defined.**

Sec. 2777. Any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from, or through this state or any part thereof, money, packages, gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state, shall be deemed to be an express company; any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in this state, telegraphic messages, shall be deemed to be a telegraph company; and any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in this state, telephonic messages, shall be deemed to be a telephone company.

**Annual statements to auditor of state.**

Sec. 2778. Every express, telegraph and telephone company defined in section 2777, doing business in this state, shall annually, between the first and thirty-first days of May, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the auditor of state a statement, in such form as the auditor of state may prescribe, containing the following facts:

1. The name of the company.
2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and post-office address of the president, secretary, auditor, treasurer and superintendent or general manager.
5. The name and post-office address of the chief officer or managing agent of the company in Ohio.
6. The number of shares of the capital stock.
7. The par value and market value, or if there be no market value, the actual value of its shares of stock on the first day of May.

8. A detailed statement of the real estate owned by the company in Ohio, where situate, and the value thereof as assessed for taxation.

9. A full and correct inventory of the personal property, including moneys and credits, owned by the company in Ohio on the first day of May, where situate, and the value thereof.

10. The total value of the real estate owned by the company and situate outside of Ohio.

11. The total value of the personal property owned by the company and situate outside of Ohio.

12. In the case of telegraph and telephone companies, the whole length of their lines, and the length of so much of their lines as is without and is within the state of Ohio, which lines shall include what said telegraph and telephone companies control and use under lease or otherwise; also, the miles of wire in each taxing district in Ohio.

13. In the case of telegraph and express companies, the entire gross receipts of the company, from whatever source derived, for the year ending the first day of May, of business wherever done.

14. In the case of telegraph and express companies, the gross receipts for the year ending the first day of May, from whatever source derived, of each office within the state of Ohio, and the total gross receipts of the company for such period in Ohio.

15. In the case of express companies, the whole length of the lines of rail and water routes, over which the company did business on the first day of May, and the length of so much of said lines of land and water transportation as is without and is within Ohio, naming the lines within Ohio.

16. Such other facts and information as the auditor of state may require in the form of returns prescribed by him.

Blanks for making the above statement shall be prepared, and, on application, furnished any company by the auditor of state. Express, telegraph and telephone companies shall not be required to make returns under, and shall not be governed by the provisions of section 2744 of the Revised Statutes.

Sec. 2778a. The auditor of state, treasurer of state and attorney-general shall constitute a board, named the state board of appraisers and assessors, of which board the auditor shall be *ex officio* president. In the absence or inability of the auditor, the board shall appoint one of its members president *pro tempore*. The board shall appoint a secretary and full minutes of its proceedings shall be kept. The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, for the purpose of assessing the property of express, telegraph, and telephone companies in Ohio. On the meeting of the board, the auditor of state shall lay before the board the statements and schedules returned to him under section 2778. The said board

State board of appraisers and assessors; constitution, powers, duties, etc.

**Method of  
fixing assess-  
ments.**

shall proceed to ascertain and assess the value of the property of said express, telegraph, and telephone companies in Ohio, and in determining the value of the property of said companies in this state, to be taxed within the state as assessed as herein provided, said board shall be guided by the value of said property as determined by the value of the entire capital stock of said companies, and such other evidence and rules as will enable said board to arrive at the true value in money of the entire property of said companies within the state of Ohio, in proportion which the same bears to the entire property of said companies, as determined by the value of the capital stock thereof, and to other evidence and rules as aforesaid. The board may adjourn from time to time until the business before it is finally disposed of. In case any company fails or refuses to make the statement required by law, or furnish the board any information requested, the board shall inform itself, as best it may, on the matters necessary to be known, in order to discharge its duties with respect to the assessment of the property of such company. At any time after the meeting of the board on the first Monday in June, and before the assessment of the property of any company is determined, any company or person interested shall have the right, on written application, to appear before the board and be heard on the matter of the valuation of the property of any company for taxation. After the assessment of the property of any company for taxation by the board, and before the certification by the auditor of state of the apportioned valuation to the several counties, as provided in section 2780, the board may, on the application of any interested person or company, or on its own motion, correct the assessment or valuation of the property of any company, in such manner as will, in its judgment, make the valuation thereof just and equal. The provisions of section 167 of the Revised Statutes shall apply to the correction of any error or overvaluation in the assessment of property for taxation by the state board of appraisers and assessors, and to the remission of taxes and penalties illegally assessed thereon.

**Penalty for failure to file statement.**

Sec. 2779. In case any company required to file a statement under the provisions of section 2778, fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars, and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the state board of appraisers and assessors, shall institute such action against any company so delinquent in the court of common pleas of Franklin county. That the state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or manager

**Further powers  
of state board.**

ing agent, or other officer, or employe or agent, of any express, telegraph, and telephone company to attend before the board, and bring with him for the inspection of the board, any books or papers of such company in his possession, custody or control, and to testify under oath touching any matter relating to the business, property, moneys or credits and the value thereof, of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe or agent of such company who shall refuse to attend before the board when required to do so, or shall refuse to bring with him and submit for the inspection of the board any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof, touching the business, property, moneys and credits and the value thereof, of such company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both; and any officer, employe or agent of such company so refusing, as aforesaid, shall be deemed guilty of contempt of such board, and may be confined, by order of said board, in the jail of the proper county until he shall comply with the requirement of the board and pay the costs of his imprisonment. The state board of appraisers and assessors shall have and may exercise all the powers possessed by county auditors under sections 2781 to 2785 inclusive, of the Revised Statutes; and said express, telegraph, and telephone companies shall be subject to all the provisions and penalties of said sections.

Penalties to which officers, employes and agents of companies liable.

Certain provisions Revised Statutes made applicable to board and companies.

Sec. 2780. The state board of appraisers and assessors shall, on or before the first Monday in August, report to the auditor of state the total value of the property of express, telegraph and telephone companies in Ohio, as ascertained and assessed by the board; at the same time, the board shall file with the auditor of state the statements of the various companies and other papers before it. The auditor of state shall deduct from the total value of the property of each of said companies in Ohio, the value, as assessed for taxation, of any real estate situate in Ohio and owned by such company. The value of the property of said companies in Ohio, after deducting the value of the real estate, shall be apportioned by the auditor of state among the several counties through or into which the lines of such telegraph or telephone companies run, so that to each county shall be apportioned such part of the entire valuation as will equalize the relative value of the property of the company therein, in proportion to the whole value of the property of the company in the state, and in the proportion that the length of the lines of wire owned by the company, or in the county bears to the whole length of the lines of wire in the state. The value of the property of any express company shall be apportioned by the auditor of state among the several coun-

Report of board: filing of statements, etc.

Deduction of value of real estate.

Apportionment and taxation of valuations.

ties in which the company does business, in the proportion that the gross receipts in each county bear to the entire gross receipts in the state. The auditor of state shall, on or after the fifteenth day of August, certify to the county auditor the amount apportioned to his county, and the county auditor, upon receiving such certificate, shall apportion the amount therein stated among the cities, villages, townships or other taxing districts, after the same method used for the apportionment of the valuation in the state among the counties; and the county auditor shall place the apportioned valuation on the tax duplicate, and taxes shall be levied and collected thereon at the same rate and in the same manner as taxes are levied and collected on other personal property in the taxing district in question.

Repeals, etc.

SECTION 2. An act entitled "An act to amend and supplement sections 2777, 2778, 2779 and 2780 of the Revised Statutes of Ohio," passed April 27, 1893 (90, O. L. 330), and sections 2777, 2778, 2778a, 2779, 2780, 2780a, and 2780b of the Revised Statutes as amended and enacted therein, are repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.

205G

[House Bill No. 202.]

## AN ACT

Supplementary to chapter 4, title 1, part 4 of the Revised Statutes of Ohio, to punish trespassers who unlawfully enter upon the lands or premises of another

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be and the same is hereby enacted, as supplementary to chapter 4, title 1, part 4 of the Revised Statutes of Ohio, with sequential numbering as follows, to wit:

Offenses against property:

Penalty for trespassing upon lands or premises of another.

Sec. 6880e. Whoever, being about to enter unlawfully upon the inclosed or uninclosed lands or premises of another, and shall be forbidden so to do by the owner or occupant, or his agent or servant, or who, being unlawfully upon the inclosed or uninclosed lands or premises of another, shall be notified to depart therefrom by the owner or occupant, or his agent or servant, and shall thereafter enter upon such lands or premises, or neglect or refuse to depart therefrom, except persons who are crossing said lands or premises for some lawful purpose, with the consent of the owner of such premises, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less

than one nor more than five dollars, and shall pay the costs of prosecution.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
206G

[House Bill No. 659.]

### AN ACT

Appropriating certain funds to the use of the board of county commissioners of Summit county, Ohio.

WHEREAS, The board of public works, under and by virtue of and by the authority given them by an act of the general assembly, passed April 2, 1889 (vol. 86, O. L., 170), has entered into an agreement with the board of commissioners of Summit county, Ohio, whereby said board of public works agrees to pay two thousand (\$2,000) dollars toward the construction of an aqueduct and safety overflow on the Ohio canal near Wolf creek lock, in said Summit county; and

WHEREAS, By the construction of said aqueduct over Wolf creek and the lowering of said Wolf creek so that the same shall become a tributary to the Tuscarawas river, as it existed prior to the construction of the Ohio canal, would result in the drainage of about ten thousand (10,000) acres of land in said Summit county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of two thousand dollars be and the same is hereby appropriated, out of any money in the general revenue fund not otherwise appropriated, to the board of commissioners of Summit county, Ohio, to be used in payment of that portion of the expense of the construction of said aqueduct and safety overflow heretofore agreed upon to be paid by the said board of public works, and the said appropriation of two thousand (\$2,000) dollars shall be in payment of all obligations under said act and contract above referred to.

SECTION 2. All work in the lowering of said Wolf creek, so far as connected with and affecting the public works, and in the building of said aqueduct and safety overflow, to be done in conformity to said act and agreement hereby referred to.

Preamble.

Appropriation  
for commissioners  
of Summit  
county.

Act and agree-  
ment governing  
certain work.



SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed May 10, 1894.  
207G

[House Bill No. 735.]

## AN ACT

To amend section 1672 of the Revised Statutes of Ohio, as amended March 19, 1887.

**Council:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1672 of the Revised Statutes of Ohio, as amended March 19, 1887, be amended so as to read as follows:

**Legislative power in other municipalities.**

Sec. 1672. The legislative authority of villages shall be vested in a council consisting of six members, except that in villages divided into three or more wards such authority shall be vested in a council composed of two members from each ward; and the legislative authorities of cities, except[ed] as provided in sections 1655, 1656, 1658, and 1661, of the Revised Statutes as hereby amended, shall be vested in a council consisting of two members from each ward; and in all cities of the third grade and second class that at any subsequent federal census may have a population of not less than twenty-one thousand and not more than twenty-one thousand and one hundred, there shall be elected a councilman at large.

**Zanesville.**

**Keponia.**

SECTION 2. That said section 1672, as amended March 19, 1887, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed May 10, 1894.  
208G

[House Bill No. 965.]

## AN ACT

To further supplement section 897 of the Revised Statutes of Ohio

**County commissioners:** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897 of the Revised Statutes of Ohio as amended April 24, 1893, be and the same is hereby supplemented as follows:

Sec. 897o. That in counties which by the federal census of 1890 had a population of not less than 46,000 and not more than 47,000, each county commissioner from and after January 1, 1895, shall receive a salary of one thousand dollars per annum, payable in monthly instalments out of the county treasury upon the warrant of the county auditor. And in such counties the said county commissioners shall devote all the time that may be necessary to attend to all and singular the duties required of them as such commissioners to protect the best interest of the people of such counties, and said commissioners shall not receive any additional compensation directly or indirectly by way of expense, mileage, or otherwise, except when traveling outside of their said county on official business at which times they shall be paid the necessary expense incurred in the discharge of their duties, an itemized statement of which shall be prepared in writing and approved by the prosecuting attorney and probate judge of the county, and paid as above provided.

Salary, duties and expenses in Tuscarawas county.

SECTION 2. In addition to the duties devolving upon the county commissioners of any county in which the population at the last federal census was not less than 46,000 nor more than 47,000 they shall on and after January 1st, 1895, also discharge the duties and perform the labors now being performed by the infirmity directors of such county or counties.

Additional duties of commissioners in Tuscarawas county.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
209G

[House Bill No. 885.]

## AN ACT

Supplementary to section 897 of the Revised Statutes of the state of Ohio, as amended April 24, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 897m be enacted as supplementary to section 897, to read as follows:

Sec. 897m. In all counties having at the federal census of 1890, or at any subsequent federal census, a population of not less than twenty-seven thousand five hundred and fifty nor more than twenty-seven thousand six hundred and fifty, each county commissioner shall be allowed three dollars per day for each day that he is engaged in his official duties, and five cents per mile for his necessary travel in attending each regular or called session, not exceeding one session each month, and five cents per mile when traveling

County commissioners:

Per diem, mileage and expenses in Knox county.

within the county on official business, and not to exceed one hundred dollars for necessary contingent expenses while in the discharge of his official duties; but in no case shall any one commissioner receive in any one year to exceed one thousand dollars, to be paid out of the county treasury by the warrant of the county auditor, and each commissioner shall present an itemized statement of his account, the amount of diem, mileage and expenses as aforesaid, which before it is allowed, shall be approved by the full board of county commissioners, prosecuting attorney and probate judge of the county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS  
*President of the Senate*

Passed May 10, 1894.  
210G

[House Bill No. 1010.]

## AN ACT

To amend section four of an act entitled "An act to authorize the issue of certificates of indebtedness to meet deficiencies in the general revenue fund," passed April 25, 1894.

Deficiencies in  
general revenue  
fund:

Certificates of  
indebtedness;  
exemption  
from taxation.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the above recited act be amended so as to read as follows:

Sec. 4. Said commission shall, on behalf of the state, issue for the money so borrowed, certificates of indebtedness which shall be signed by the said sinking fund commission and attested by the governor, which certificates of indebtedness shall be exempt from taxation under the laws of this state, and the holders thereof shall not be required to pay the same for taxation.

SECTION 2. Section four of the above recited act is hereby repealed, and this act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS  
*President of the Senate*

Passed May 10, 1894.  
211G

[House Bill No. 38.]

## AN ACT

To repeal an act entitled "An act to supplement section 2502 of the Revised Statutes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2502a of the Revised Statutes, passed April 21, 1893, be and the same is hereby repealed. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD;  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
212G

[House Bill No. 277.]

## AN ACT

To provide for the recovery, survey and sale of the swamp-lands belonging to the state of Ohio, and the recovery of the money due from the United States, for such swamp-lands sold by the United States, and to rescind certain joint resolutions authorizing the appointment of a swamp-land commissioner.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the canal commission is hereby authorized and required, in addition to their other duties prescribed by law, and without additional compensation, to obtain for the state, scrip and patents for all land belonging to this state not heretofore patented, and to locate the same to the best interest of the state of Ohio; to make a record of all swamp, marsh and overflow-lands within the state to which the state has or should have title, and to file the same with the auditor of state; to adjust, settle and collect for the state all moneys due the state from general government for lands sold or located within the state by the general government or its agents, or the indemnity due therefor; to perfect and secure to the state title to all swamp, marsh or overflow-lands which by right belong to the state; to cause all such lands to be surveyed, and plats of the same made and filed with the auditor of state, to cause the title of the state to such lands now held or hereafter obtained to be recorded in the county wherein the lands are situated, and to perform such other duties in relation to claims of the state against the general government, or as to lands belonging to the state, as the governor may direct.

*Duty of canal commission as to certain lands, etc.*

SECTION 2. Whenever, in the opinion of said canal commission, any tract of such lands can be sold to the advantage of the state, said canal commission shall appraise

*Sale of such lands.*

the same at its true value in money, and such land, in tracts not larger than quarter sections, shall be offered for sale at public vendue at the court-house of the county where such tracts are situated, after notice given by publication once a week for five consecutive weeks in a newspaper published and of general circulation in such county, and at such sale said land shall be sold to the highest bidder at not less than three-fourths of its appraised value, and the purchase-money therefor may be paid in full at the time of sale, or, at the option of the purchaser, one-fourth at the time of sale and the balance in three equal annual instalments with interest at six per cent. per annum, payable annually, and the auditor of state shall give to the purchaser certificates for the amount of purchase-money so paid, and when said purchase-price shall have been paid in full, the governor shall execute a deed of such land to the purchaser, and all of said moneys obtained from the general government as indemnity, or derived from the sale of such land, shall be paid into the state treasury to the credit of the general revenue fund of the state; provided, however, that such sales, or confirmation of titles by accepting any sums from the general government, shall be on, and subject to the reservation to this state of riparian rights as set forth in house joint resolution No. 86 adopted April 1889.

**Riparian rights.**

**Annual report of commission.**

SECTION 3. Said canal commission shall report all transactions under this act in its annual report to the governor.

**Repeals, etc.**

SECTION 4. House joint resolution No. 19, adopted by the general assembly April 14, 1888, senate joint resolution No. 48 adopted May 4, 1891, and senate joint resolution No. 10 adopted March 17, 1893, and all other joint resolutions authorizing the appointment of a swamp-land commissioner for the state of Ohio, are hereby rescinded and repealed; and all acts or parts of acts which conflict with this act are, to the extent of said conflicting portions, hereby repealed; and this act shall take effect and be in force from the day of its passage.

LEONIDAS H. SOUTHARD

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 14, 1894.

213G

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[House Bill No. 346.]

## AN ACT

To amend section 2275a of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Ohio, That section 2275a be so amended as to read as follows:

Assessments:-

Sec. 2275a. In cities of the first grade of the first class, and in corporations in counties containing a city of the first grade of the first class, each department of the municipal government having charge or control of any property assessed for the improvement of any street or highway, or for the construction of sewers, or for the construction or repairs of sidewalks, or for the cost and expense of laying or extending water-mains, shall pay all such assessments out of the moneys appropriated for the use of such department; and any board of education of any school district having charge or control of any school property within such municipal corporation assessed for any such improvements or repairs, shall in like manner, out of its funds, pay all such assessments.

Assessments upon municipal and school property in Hamilton county municipalities.

SECTION 2. That said section 2275a of the Revised Statutes, as enacted April 12, 1893 (90, O. L., 163), be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
214G

[House Bill No. 474.]

## AN ACT

Providing for the removal of bodies from one cemetery to another.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees or board of any cemetery association, or other officers having control and management of a cemetery, shall disinter or issue a permit for disinterment, and deliver any body now buried, or that may hereafter be buried in such cemetery under their control, on application of the next of kin of the deceased, being of full age and sound mind, to such next of kin, on payment of the reasonable cost and expense of the disinterment; provided, however, that no such disinterment shall be made during the months of April, May, June, July, August and September of any year; and in no event where the deceased has died of a contagious or infectious disease, and not until a permit has been issued by the local health department.

Disinterment and delivery of body buried in cemetery.

SECTION 2. Such application shall be in writing; shall state the relation of the applicants to the deceased; that the applicants are the next of kin of the deceased, of full age and sound mind; the disease of which the de-

Form of application.

ceased died; where the body shall be reinterred; and shall be subscribed and sworn to before some officer authorized to administer oaths.

**Mandamus.**

SECTION 3. In case said trustees or board or other officers in charge of said cemetery shall refuse to issue said permit for disinterment, there shall be issued by the court of common pleas of the county wherein the cemetery is situated, a writ of mandamus requiring said trustees or board or other officers to issue said permit.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 14, 1894.

215G

[House Bill No. 560.]

## AN ACT

Relating to the settlement of the controversy concerning the location of the road-bed and construction of the bridges of the Toledo, Walhonding Valley and Ohio railroad company, along the bank of and over the Walhonding canal.

**Preamble.**

WHEREAS, There exists a controversy between the canal commission and the board of public works of the state of Ohio, on the one hand, and the Toledo, Walhonding Valley and Ohio railroad company, on the other, in reference to the location of a part of said company's road-bed said canal commission and said board of public works claiming that the said road-bed has been placed, at several points, upon the berme bank of the Walhonding canal, in Coshocton county, Ohio; and further, that some of the bridges of said railroad company do not conform to the lawful regulations and requirements of said commission and said board; nor the requirements of the laws of the state and

WHEREAS, A suit has been brought in the supreme court of Ohio, by the attorney-general of the state, against said the Toledo, Walhonding Valley and Ohio railroad company concerning said matters; and

WHEREAS, It is desired by said canal commission and board of public works and the said the Toledo, Walhonding Valley and Ohio railroad company to settle amicably all said disputes and controversies; and

WHEREAS, Said parties have made a provisional agreement to the following effect, to wit: That the said the Toledo, Walhonding Valley and Ohio railroad company shall have the perpetual right to maintain its existing road-bed upon the berme bank of the Walhonding canal at the following places, to wit:

(1) Beginning at a point where the bridge of said railroad company crosses the locks of the Walhonding canal, in the village of Roscoe, Coshocton county, Ohio, and extending from said point along the berme bank of the Walhonding canal northwestwardly for a distance of 2,450 feet. Preamble.

(2) Beginning again at a point 7,450 feet from the crossing of the locks of the Walhonding canal at Roscoe, and extending along the berme bank of the Walhonding canal in a westwardly and northwestwardly direction for a distance of 11,800 feet.

(3) Beginning again at a point 24,150 feet from the crossing of the Roscoe locks, and extending for a distance of 3,500 feet westwardly and northwestwardly along the berme bank of the Walhonding canal.

(4) Beginning again at a point 30,050 feet from the crossing of the locks at Roscoe, and extending along the berme bank of the Walhonding canal in a westwardly direction for a distance of 700 feet, making in all a distance of 17,950 feet, for which the road-bed of the Toledo, Walhonding Valley, and Ohio railroad company occupies to a greater or less extent parts of the berme bank of the Walhonding canal and of the property claimed by the state of Ohio; that said railroad company shall, whenever called upon by said board of public works, or directed by joint resolution of the general assembly, make such changes in the location of the bridges which span the locks of the canal at Roscoe, in Coshocton county, Ohio, as to place said structures beyond the chamber of the middle lock of the canal, and will, whenever called upon by said board, or directed by joint resolution of the general assembly, so change the grade and location of its railroad at the crossing of the bridges over the Walhonding canal at Fry's lock, and the first lock east of Walhonding, and at the bridge near Cavallo dam, as to afford the lawful clearance height of ten (10) feet above normal water-level, and provide an unobstructed width for the passage of the navigable water in the regular channel of the canal, and full and unobstructed clearance width for the towing-path; and that all of said railroad company's bridges and structures over the Walhonding canal shall be maintained in a safe and proper condition as to spans and clearance heights; and that at the wide-water basin, about two and one-half (2½) miles above the village of Roscoe, Ohio, where the road-bed of the said railroad company occupies a part of the shallow basin outside of the normal canal section, said railroad company will place a line of iron pipe, twenty-four (24) inches in diameter, under its road-bed, so as to connect the basin with the navigable channel; said pipe to be placed at such depth and at such location as may be satisfactory to the chief engineer of the board of public works, and to maintain the same there forever; and that said railroad company should pay for said rights, grants and privileges the sum of five thousand dollars, upon the execution, on the part of the



board of public works, of a proper contract and grant covering the terms of said agreement; as herein provided and authorized therefor[e],

Granting of right to the Toledo, Walhonding Valley and Ohio railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the canal commission and the board of public works of the state of Ohio be and they are hereby authorized, upon the payment of the sum of five thousand dollars as aforesaid, by said the Toledo, Walhonding Valley and Ohio railroad company, and upon its executing a contract to keep and perform the conditions of said preliminary agreement, to grant, convey and assure to the said the Toledo, Walhonding Valley and Ohio railroad company, its successors and assigns, the perpetual right to maintain its existing road-bed and bridge structures as aforesaid, and as the same now are or may be when changed in compliance with said preliminary agreement, as herein provided and authorized.

Disposition of money received for such grant.

SECTION 2. The [said] sum of five thousand dollars shall be paid to the collector of rents and tolls at the village of Roscoe, Coshocton county, Ohio, or to such other agent as the state shall authorize, for the use, at the discretion of the board of public works, of the first grand division of the public works of Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
216G

[House Bill No. 652.]

## AN ACT

For the relief of Charles Nalle.

Preamble.

WHEREAS, Charles Nalle was employed as fireman at the Ohio hospital for epileptics at Gallipolis, Ohio, and on the first day of December, A. D. 1893, he was severely burned and also received a compound fracture of the leg, caused by the explosion of a boiler that was in use at said hospital at that time,

WHEREAS, Because of said injury he not only endured great physical pain and suffering, and has been subjected to heavy expense for medical and surgical attendance, while at the same time he is destitute of the necessary means of aid and support, and has not been able to do anything since the first day of December, A. D. 1893, and it will be a long time before he will be able to perform manual labor; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated, out of any money to the credit of the general revenue fund in the state treasury not otherwise appropriated, the sum of three hundred and fifty dollars for the aid and relief of said Charles Nalle, and the amount shall be in full of all demands.

Appropriation  
for Charles  
Nalle.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
217G

[House Bill No. 807.]

## AN ACT

To amend section[s] 80 and 108 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 80 and 108 of the Revised Statutes be amended so as to read as follows:

Governor:

Sec. 80. The governor may appoint a private secretary, an executive clerk, a commission clerk, and a corresponding clerk.

Private secretary and clerks.

Sec. 108. There shall be made and kept up an alphabetical index to each of said records. And all official papers shall be filed in boxes properly labeled and dated, to which boxes reference shall be made in the proper places in said records. And a transcript of an entry in any record or of any official paper, kept as aforesaid, certified as correct by the private secretary, executive clerk of the governor, or commission clerk under the great seal of the state of Ohio, shall be received as prima facie evidence of the facts, therein stated, in any court, or before any officer of the state.

Alphabetical index; filing of official papers; certified transcripts as evidence.

SECTION 2. That said original sections 80 and 108 of the Revised Statutes of Ohio, be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
218G

[House Bill No. 922.]

## AN ACT

To amend section 1707 of the Revised Statutes of the state of Ohio as amended March 18, 1890 (87, O. L., p. 67).

Officers of  
cities:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1707 of the Revised Statutes be and the same is hereby amended so as to read as follows, to wit:

Officers of  
cities of the  
second class:

Sec. 1707. The officers of a city of the second class, except in cities of the second grade of the second class, shall consist of a mayor, a marshal, except as hereinafter provided, a city solicitor, a city commissioner, who shall be superintendent of streets and highways, a treasurer, except as provided in section seventeen hundred and eight, all of which officers shall be chosen by its electors, except as hereinafter provided, and a clerk, who shall be chosen by the council; and in cities of the third grade of the second class there shall also be a police judge, prosecuting attorney of the police court and clerk of the police court, which officers shall also be chosen by the electors thereof; and the council may, when in its opinion expedient, create by ordinance the office of auditor, civil engineer, sealer of weights and measures, fire engineer and superintendent of markets, and provide for their election or appointment, and compensation; provided that the provisions as to marshal shall be subject to the provisions contained in the fourth subdivision of chapter five of the fifth division of this title; and provided further, that in cities of the third grade of the second class the council may, when in its opinion expedient, abolish by ordinance the office of marshal; and provided further, that in cities of the fourth grade of the second class, the council may, when in its opinion expedient, abolish by ordinance the office of marshal, and by ordinance create the office of chief of police.

Ashtabula.

Repeals.

SECTION 2. That original section 1707 of the Revised Statutes as amended March 18, 1890 (87 O. L., p. 67), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.

219G

[House Bill No. 987.]

## AN ACT

To amend section 957 of the Revised Statutes of Ohio, as amended May 1, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 957 of the Revised Statutes of Ohio, as amended May 1, 1894, be amended so as to read as follows:

Infirmary  
directors:

Election, num-  
ber and term.

Huron and Erie  
counties.

Sec. 957. In every county in which there is a county infirmary, there shall be a board of infirmary directors, composed of three persons, one of whom shall be chosen every year, and shall hold his office for three years, commencing on the first Monday in January next after his election. They shall be chosen by the electors of the county, unless part of the county is not taxed for the support of the county infirmary, in which case they shall be voted for only by residents of the territory so taxed; provided, however, that in counties which by the last federal census had, or which by any subsequent federal census may have a population of not less than 31,940 nor more than 31,961 and in counties which by the last federal census had, or which by any subsequent federal census may have a population of not less than thirty-five thousand four hundred (35,400) nor more than thirty-five thousand five hundred (35,500), no infirmary directors shall hereafter be elected, and the terms of those now in office shall expire on the first Monday in January, 1895. And in all such counties the board of county commissioners shall, at the expiration of such terms, become the successor of the board of infirmary directors, and shall perform all the duties, have the same powers, and be subject to the same obligations as devolve by law upon infirmary directors in counties where such boards continue to exist.

Repeals, etc.

SECTION 2. That said section 957, as amended May 1, 1894, be and the same is hereby repealed, and this act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
220G

[House Bill No. 816.]

## AN ACT

Providing for an excise tax on express companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from or

Express com-  
pany defined.

through this state, or any part thereof, money, packages of gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state, shall be deemed to be an express company.

Annual statement to auditor of state.

**SECTION 2.** Every express company defined in section one hereof doing business in this state shall, annually, between the first and thirty-first day of May, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the auditor of state a statement, in such form as the auditor of state may prescribe, containing the following facts:

*First.* The name of the company.

*Second.* The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.

*Third.* The location of its principal office.

*Fourth.* The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager.

*Fifth.* The name and post-office address of the chief officer or managing agent of the company in Ohio.

*Sixth.* The entire receipts (including all sums earned or charged, whether actually received or not) for business done within this state of each agent of such company doing business in this state (giving the name of the office and agent, and the amount received by him), for the year then next preceding the first day of May, for and on account of such company, including its proportion of gross receipts for business done by such company within this state in connection with other companies; also, the total amount of such receipts for business done within this state.

*Seventh.* An itemized statement of the amounts actually paid by such express company, for the year then next preceding the first day of May, to the railroads within this state, for the transportation of its freight within this state, showing the amount paid to each railroad company.

*Eighth.* The entire receipts of the company for business done within Ohio, as defined in item six, after deducting the amounts paid for transportation of freight, as defined in item seven.

*Ninth.* Such other facts and information as the auditor of state may require in the form of return prescribed by him.

Blanks for making the above statement shall be prepared, and, on application, furnished any express company by the auditor of state.

Statements by local agents.

**SECTION 3.** In case of a failure or refusal of any express company to make the statement prescribed by section two hereof, on or before the thirty-first day of May, the

auditor of state shall notify the local agents of such company of such default by letter mailed and addressed, in each instance, to the agent of such express company at the post-office address of the office, inclosing a form of return to be made out by such agent, and thereupon it shall be the duty of each local agent of such express company within this state, on or before the fifteenth day of June, to make out and file with the auditor of state a statement, verified by the oath of the agent, containing such of the facts prescribed in section two as the auditor of state may require; but the statement of gross receipts and deductions therefrom, defined in items six and seven of section two, shall be confined to the gross receipts and deductions therefrom, of his agency.

**SECTION 4.** The auditor of state, treasurer of state, and attorney-general, shall constitute a board named the state board of appraisers and assessors, of which board the auditor of state shall be ex officio president. In the absence or inability of the auditor, the board shall appoint one of its members president pro tempore. The board shall appoint a secretary, and full minutes of its proceedings shall be kept. The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, and thereupon, or when received, the auditor of state shall lay before the board the statements and schedules returned to him under sections two and three hereof. The board shall proceed to ascertain and determine, on or before the second Monday in July, the entire receipts of express companies for business done within Ohio, as defined in item six of section two hereof, after deducting the sums paid for transportation of freight, as defined in item seven of section two hereof and the amounts thus ascertained by said board shall, in each instance be held and deemed to be "the gross receipts of such express company for business done within Ohio," for the year under consideration. The board may adjourn from time to time, until the business before it is finally disposed of. In case of the failure or refusal of any company and its agents to make the statement required by law, or furnish the board the information requested by it, the board shall inform itself as best it may on the matters necessary to be known, in order to discharge its duty under this act. At any time after the meeting of the board on the first Monday in June, and before the gross receipts of any company for business done within Ohio are determined, any company or person interested shall have the right, on written application, to appear before the board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company for business done within Ohio, and before the certification to the auditor of state of such amount, as provided in section six (6) hereof, the board may, on the application of any person or company interested, or on its own motion, review and correct its finding in such manner as may seem to it to be just and proper.

State board of  
appraisers  
and assessors:  
constitution,  
powers, duties  
etc.

Penalty for  
failure to file  
statement.

SECTION 5. In case any company required to file statement under the provisions of section two (2) hereof fails to make and file such statement on or before the thirtieth first day of May, such company shall be subject to a penalty of five hundred dollars, and an additional penalty of one hundred dollars for each day's omission after the thirtieth first day of May to file such statement, said penalty to be recovered by action in the name of the state, and of collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the auditor of state, shall institute such action against any company so delinquent, in the court of common pleas of Franklin county, or of any county in which such company does business. In case any local agent of any express company, required to file a statement under the provisions of section three (3) hereof, fails to make and file such statement on or before the fifteenth day of June, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars. Each day's failure after the twentieth day of June to make and file such statement shall constitute a new offense. The state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or managing agent, or other officer, or employe or agent, of any express company, to attend before the board, and bring with him for the inspection of the board, any books or papers of such company in his possession or control, and to testify under oath touching any matter relating to the organization or business of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe or agent of such company who shall refuse to attend before the board when required to do so, or shall refuse to bring with him and submit for the inspection of the board any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof touching the organization or business of such company, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both; and any officer, employe or agent of such company so refusing as aforesaid shall be deemed guilty of contempt of such board, and may be confined, by order of such board, in the jail of the proper county until he shall have complied with the requirements of the board, and paid the costs of his imprisonment.

Further powers  
of state board;

Penalties to  
which officers,  
employes and  
agents of com-  
pany liable.

Annual report  
of state board;  
filing of state-  
ments and  
papers.

SECTION 6. The state board of appraisers and assessors shall, on the first Monday in August, report to the auditor of state the amount of the gross receipts of express companies for business done within the state of Ohio for the year next preceding the first day of May; at the same time the board shall file with the auditor of state the statement

of the various companies and other papers before it. It shall be the duty of the auditor of state, in the month of November, annually, to charge and collect from each express company doing business in this state a sum, in the nature of an excise tax, to be computed by taking two per cent. of the amount fixed by the state board of appraisers and assessors as the gross receipts of such company for business done within the state of Ohio, for the year next preceding the first day of May, and certified to the auditor of state; provided, nothing contained in this act shall exempt or release express companies from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected by the auditor of state under the provisions of this act, shall be paid into the state treasury, and be credited to the general revenue fund. If any express company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due, a penalty of fifty per cent. thereon, and shall forthwith proceed to collect the tax and penalty by any means provided by law for the collection of taxes by county treasurers, and for his services shall be allowed five per cent. on the penalty collected, which he is authorized to retain. It shall be the duty of the attorney-general, or any prosecuting attorney, on request of the auditor of state, to prosecute any proceeding for the collection of such tax, which officer shall be allowed for his services five per cent. on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury. Suit for the collection of such tax may be brought in the name of the state in the county of Franklin, or in any county in which such express company is doing business.

Assessment,  
collection and  
disposition of  
excise tax on  
companies;  
fees of officers.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.

221G 1

[House Bill No. 818.]

## AN ACT

To provide for the payment of the expenses of Henry K. Spooner, contester in the Spooner and Flumerfelt contest for the office of representative to the general assembly, from Seneca county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid Henry K. Spooner, the sum of ten hundred and seventy-two dollars and eighty-five cents (\$1,072.85) out of any funds, in the

Appropriation  
for Henry K.  
Spooner.



treasury not otherwise appropriated, for the purpose of defraying the costs of Henry K. Spooner in the contested election case of Spooner against Flumerfelt, for representative from Seneca county, to the general assembly of Ohio; and that the auditor of state is hereby directed to draw his warrant on the treasurer of the state of Ohio, in favor of Henry K. Spooner, for said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
222G

[House Bill No. 819.]

### AN ACT

To provide for the payment of the expenses of Charles Flumerfelt, contestee in the Spooner and Flumerfelt contest for the office of representative of the general assembly, from Seneca county, Ohio.

Appropriation  
for Charles  
Flumerfelt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be paid Charles Flumerfelt the sum of ten hundred and eighty dollars and eighty-six cents (\$1,080.86) out of any funds in the treasury not otherwise appropriated, for the purpose of defraying the costs of Charles Flumerfelt in the contested election case of Spooner against Flumerfelt, for representative from Seneca county to the general assembly of Ohio; and that the auditor of state is hereby directed to draw his warrant on the treasurer of the state of Ohio, in favor of Charles Flumerfelt, for said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
223G

[House Bill No. 1007.]

### AN ACT

To amend section 14 of an act passed April 25, 1893, relating to the conduct of elections (O. L., vol. 90, pages 263 to 283 inclusive).

Elections:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 14 of the above recited act be amended so as to read as follows:

Sec. 14. All expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks, and all other proper and necessary expenses of any general or special election, including compensation of precinct election officers, shall be paid out of the county treasury as other county expenses; but, except in the case of November elections, shall be a charge against the township, city, village or political division in which such election was held, and the amount so paid by the county as above provided, shall be retained by the county auditor from the funds due to such township, city, village or political division, at the time of making the semi-annual distribution of taxes; the county commissioners, township trustees, councils, boards of education, or other authorities authorized to levy taxes, shall make the necessary levy to meet such expenses, which levy may be in addition to other levies authorized or required by law; the amount of all such expenses shall be ascertained and apportioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In the case of municipalities situated in two or more counties, the proportion of expense charged to each of the counties shall be ascertained and apportioned by the clerk of the corporation, and certified by him to the several county auditors.

How expenses  
of elections de-  
frayed.

SECTION 2. Section 14 of the above recited act is repealed, and this act shall take effect on its passage. Repeals, etc.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate:*

Passed May 15, 1894.

224G

[House Bill No. 470.]

## AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1894, and the first quarter of the fiscal year ending February 15, 1895.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

General approp-  
riations for  
1894 and 1895.

### *Adjutant-General's Department.*

Salary of chief clerk, nine hundred dollars (\$900).

Salary of five clerks, four thousand dollars (\$4,000).

Salary of superintendent of state arsenal and book-keeper, one thousand dollars (\$1,000).

Repairs of state arsenal, five hundred dollars (\$500).

General appro-  
priations for  
1894 and 1895.

Contingent expense and inspection, one thousand dollars (\$1,000).

Salary of 7 roster clerks, seven thousand six hundred dollars (\$7,600).

Expense of publishing roster, Ohio troops, twelve hundred dollars (\$1,200).

Shipping rosters, one hundred and fifty dollars (\$150).

Transportation indigent soldiers, two hundred and fifty dollars (\$250).

For rent of armories, twenty thousand dollars (\$20,000).

For flags for use of state-house, seventy-five dollars (\$75).

To the adjutant-general for settlement of rents for armories, five hundred dollars (\$500).

#### *State-House and Grounds.*

Salary four regular laborers, thirteen hundred and four dollars (\$1,804).

Extra labor, five hundred dollars (\$500).

Fuel for state-house, one thousand dollars (\$1,000).

Material and repairs, five hundred dollars (\$500).

Care and repairs of heating apparatus, seventeen hundred dollars (\$1,700).

Electric lighting for state-house, sixty hundred dollars (\$6,000).

There is hereby transferred from the fund for the completion of walks around state-house to the electric lighting of state-house fund, any balance remaining on the 1st of May, 1894.

#### *Ohio National Guard.*

Pay Ohio national guard, eighteen hundred and fifty-five dollars and twenty-five cents (\$1,855.25).

Uniforms, overcoats and blankets, three thousand dollars (\$3,000).

Incidental expenses military companies, thirteen thousand seven hundred and forty-one dollars (\$13,741).

New tents and repairs, five hundred dollars (\$500).

Care of military stores and freight, fourteen hundred dollars (\$1,400).

#### *Board of Agriculture.*

Encouragement of agriculture, forty-five hundred dollars (\$4,500).

Contingent expenses, four hundred dollars (\$400).

Weather and crop service, fifteen hundred dollars (\$1,500).

#### *Ohio Agricultural Experiment Station.*

Substation for field experiments, fifteen hundred dollars (\$1,500).

Special work in entomology, five hundred dollars (\$500).

Telephone, two hundred dollars (\$200).

Expenses board of control, one hundred dollars (\$100).

For new construction, fifteen thousand dollars (\$15,000).

For one tool-house, five hundred dollars (\$500).

*Ohio State Archaeological and Historical Society.*

To the society for expenses, seventeen hundred dollars (\$1,700).

General appropriations for 1894 and 1895.

For printing volume No. 3, 1,000 copies, five hundred dollars (\$500).

For care of Fort Ancient park, five hundred dollars (\$500).

*Attorney-General.*

Salary of clerk, seven hundred dollars (\$700).

Fees on collection, one thousand dollars (\$1,000).

Extra clerk hire, four hundred dollars (\$400).

Contingent expenses, four hundred and fifty dollars (\$450).

Books, one hundred dollars (\$100).

*Auditor of State.*

Salary of bookkeeper, eleven hundred dollars (\$1,100).

Salary of railroad and bank clerk, eleven hundred dollars (\$1,100).

Salary of land clerk, nine hundred dollars (\$900).

Salary of canal and trust fund clerk, nine hundred dollars (\$900).

Salary of statistician, eight hundred and fifty dollars (\$850).

Salary of stenographer, four hundred dollars (\$400).

Contingent expenses, eleven hundred dollars (\$1,100).

*Board of State Charities.*

Expenses of board, twenty-one hundred dollars (\$2,100).

Expense of investigations, four hundred dollars (\$400).

*State Board of Health.*

Expenses of board, four thousand dollars (\$4,000).

*Board of Public Works.*

For keeping in repair and improvement of Miami and Erie canal, northern and southern divisions of Ohio canal, Hocking canal and Walhonding canal, all of their earnings, balances and thirty-two thousand dollars (\$32,000).

Salary of engineers, twenty-one hundred dollars (\$2,100).

Salary of secretary, twelve hundred dollars (\$1,200).

Salary of clerk and stenographer, seven hundred dollars (\$700).

Contingent expenses, two hundred dollars (\$200).

Attorneys' fees, ten hundred dollars (\$1,000).

Traveling expenses of members, eighteen hundred dollars (\$1,800).

*State Board of Arbitration.*

Expenses of board, one thousand dollars (\$1,000).

*Canal Commission.*

Expenses of canal commissioners, one thousand dollars (\$1,000), and any unexpended balances.

For expense of canal commission in prosecuting claim of state to swamp-lands against the general government, one thousand dollars (\$1,000), or so much thereof as may be

General appro-  
priations for  
1894 and 1895.

necessary to be retained out of any moneys which may be realized by the sale of swamp-lands.

Salary of canal commissioners, three thousand dollars (\$3,000).

For the expense of monumenting surveys of state reservoir and other canal lands, one thousand dollars (\$1,000).

*Ohio Fish and Game Commission.*

Expenses commission, propagation and transportation, five thousand five hundred dollars (\$5,500).

*Live Stock Commission.*

Expenses of live stock commission, two thousand dollars (\$2,000).

*State School Commission.*

Traveling expenses of commissioner, five hundred and fifty dollars (\$550).

Salary of chief clerk, nine hundred and fifty dollars (\$950).

Salary of statistical clerk, eight hundred dollars (\$800).

Per diem and expenses of state examiners, seven hundred and fifty dollars (\$750).

Boxing and shipping laws, reports, etc., three hundred dollars (\$300).

Contingent expenses, seven hundred dollars (\$700).

*Printing Commission.*

Printing paper, thirteen thousand five hundred dollars (\$13,500).

*Commissioner of Railroads and Telegraphs.*

Salary of chief clerk, three hundred dollars (\$300).

Salary of secretary, two hundred dollars (\$200).

Expense outside, four hundred dollars (\$400).

Contingent expenses, five hundred dollars (\$500).

For the uses and purposes of the commissioner of railroads and telegraphs' office, fifteen thousand dollars (\$15,000), or so much thereof as may be paid into the state treasury pursuant to an act "to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19th, 1894, except so much thereof as may have been expended of the sum of sixty-three hundred dollars (\$6,300) appropriated by act of February 16, 1894, and fourteen hundred dollars (\$1,400) appropriated by this act, and from the moneys herein appropriated the following salaries shall be paid:

Commissioner's salary, three thousand dollars (\$3,000).

Chief clerk's salary, two thousand dollars (\$2,000).

Inspector's salary, twelve hundred dollars (\$1,200).

Statistician's salary, twelve hundred dollars (\$1,200).

Recording clerk, twelve hundred dollars (\$1,200).

Salary of clerk, twelve hundred dollars (\$1,200).

*Bureau of Labor Statistics.*

Contingent expenses, six thousand four hundred dollars (\$6,400).

General appropriations for 1894 and 1895.

Salary of chief clerk, eight hundred dollars (\$800).

Salary of stenographer, seven hundred and twenty dollars (\$720).

Clerk hire, six hundred dollars (\$600).

Salary of clerk, four hundred and twenty dollars (\$420).

Traveling expenses, three hundred and fifty dollars (\$350).

*Dairy and Food Commission.*

Expenses of commissioner, one thousand dollars (\$1,000).

Expenses of assistant commissioners, six hundred and fifty dollars (\$650).

Inspection and prosecution, sixteen thousand dollars (\$16,000).

Contingent expenses, eight hundred dollars (\$800).

*Executive Department.*

Salary of executive clerk, eight hundred dollars (\$800).

Salary of assistant executive clerk, six hundred dollars (\$600).

Salary of stenographer, six hundred dollars (\$600).

Contingent expenses, fourteen hundred dollars (\$1,400).

*Chief Inspector of Mines.*

Contingent expenses, ten hundred dollars (\$1,000).

Expenses of inspectors, forty hundred dollars (\$4,000).

Salary of clerk, eight hundred dollars (\$800).

Extra clerk hire, one hundred and fifty dollars (\$150).

Attorney's fees and court expenses, one hundred dollars (\$100).

*Department of Workshops and Factories.*

Salaries of district inspectors, forty-nine hundred and sixteen dollars and eleven cents (\$4,916.11).

Traveling expenses of district inspectors, twenty-six hundred dollars (\$2,600).

Salary of chief clerk, seven hundred dollars (\$700).

Salary of clerk, nine hundred dollars (\$900).

Salaries of two clerks, five hundred and forty dollars (\$540).

Contingent expenses, six hundred dollars (\$600).

Scientific and mechanical appliances, one hundred dollars (\$100).

*Law Library.*

Salary of assistant law librarian, seven hundred dollars (\$700).

Contingent expenses, three hundred dollars (\$300).

Books and catalogues, two thousand dollars (\$2,000).

Furniture and shelving, five hundred dollars (\$500).

*Legislature.*

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and em-

General appropriations for  
1894 and 1895.

ployes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes, twenty thousand dollars (\$20,000).

For chief clerks of the senate and house of representatives, one thousand (\$1,000) dollars each, for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated, until the aforesaid sum of one thousand dollars to each shall be fully paid, two thousand dollars (\$2,000).

Contingent expense of senate, two thousand dollars (\$2,000).

Contingent expense of house, three thousand dollars (\$3,000).

Expense of legislative committees, fifteen hundred dollars (\$1,500).

Contingent expense of senate clerk, one hundred and fifty dollars (\$150).

Contingent expense of house clerk, one hundred and fifty dollars (\$150).

For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms after the adjournment of the general assembly in the spring of 1894, and taking care of the same until January 1, 1895, and for taking care of the bill-books and other property of the members, as requested by them, one thousand (\$1,000) dollars, to be paid to him at the rate of four dollars per day, on the warrant of the auditor of state.

For an assistant for said Frederick Blenkner in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, four hundred dollars (\$400), to be paid to said assistant on the warrant of the auditor of state, one thousand four hundred dollars (\$1,400).

#### *Prosecution and Transportation to Ohio Penitentiary.*

Prosecution and transportation of convicts, one hundred and fifteen thousand dollars (\$115,000).

#### *Secretary of State.*

Salary of chief clerk, four hundred dollars (\$400).

Salary of statistical clerk, nine hundred dollars (\$900).

Salary of assistant statistical clerk, nine hundred and fifty dollars (\$950).

Salary of stationery clerk, nine hundred and fifty dollars (\$950).

Salary of proof-reading clerk, nine hundred and fifty dollars (\$950).

General appropriations for 1894 and 1895.

Salary of corporation clerk, nine hundred and fifty dollars (\$950).

Salary of recording clerk, nine hundred and fifty dollars (\$950).

Salary of superintendent book-room, seven hundred dollars (\$700).

Salary of stenographer, eight hundred and fifty dollars (\$850).

Extra clerk hire, seventeen hundred and fifty dollars (\$1,750).

Contingent expenses, eight hundred and twenty-five dollars (\$825).

Distribution of books, twenty-three hundred dollars (\$2,300).

Stationery, fifty-six hundred dollars (\$5,600).

Book-case, sixty-five dollars (\$65).

#### *Ohio State Library.*

Salary of janitor, eighty dollars (\$80).

Contingent expenses and extra labor, one thousand dollars (\$1,000).

Books and papers, sixteen hundred dollars (\$1,600).

Repairs and furniture, five hundred dollars (\$500).

#### *Insurance Department.*

Salary of deputy superintendent of insurance, one thousand dollars (\$1,000).

Salary of examining clerk, nine hundred dollars (\$900).

Salary of bookkeeper, nine hundred dollars (\$900).

Salary of corresponding clerk, five hundred dollars (\$500).

Salary of mailing clerk, seven hundred dollars (\$700).

Salary of extra clerks, twelve hundred dollars (\$1,200).

Contingent expenses, twelve hundred dollars (\$1,200).

Attorney's fees, six hundred dollars (\$600).

Expense fitting up private office, two hundred dollars (\$200).

#### *Bureau of Building and Loan Associations.*

Salary of deputy inspector, one thousand dollars (\$1,000).

Salary of extra clerks, five hundred dollars (\$500).

Contingent expenses, four hundred dollars (\$400).

Salary of clerk, one thousand dollars (\$1,000).

#### *Supervisor of Public Printing.*

State printing, thirty thousand dollars (\$30,000).

State binding, thirty thousand dollars (\$30,000).

Contingent expenses, two hundred dollars (\$200).

Salary of supervisor, two hundred dollars (\$200).

Repairs on building, one hundred dollars (\$100).



General appropriations for  
1894 and 1895.

*Supreme Court.*

Janitor, two hundred dollars (\$200).

Contingent expenses, two hundred dollars (\$200).

Furniture and repairs, one hundred dollars (\$100).

*Clerk of Supreme Court.*

Salary of first deputy, six hundred and fifty dollars (\$650).

Salary of second deputy, seven hundred and fifty dollars (\$750).

Salary of stenographer, five hundred dollars (\$500).

Contingent expenses, four hundred dollars (\$400).

New file-cases, fifty dollars (\$50).

State of Ohio ex rel., W. T. Wear vs. Chas. C. Sh... costs in appeal case in contest of election of circuit j... for the second district, one hundred and forty dollars and fifty-one cents (\$140.51).

*Supreme Court Reporter.*

Contingent expenses, four hundred dollars (\$400).

For purchase of file book-case, one hundred dollars (\$100).

*Treasurer of State.*

Salary of two bookkeepers, two thousand dollars (\$2,000).

Salary of two night-watchmen, four hundred dollars (\$400).

There is hereby transferred to the night-watchmen fund, six hundred dollars (\$600) from the fund for messenger and janitor, heretofore appropriated.

Contingent expenses, three hundred and fifty dollars (\$350).

Collecting auditor of state's drafts, fourteen hundred dollars (\$1,400).

*Ohio Penitentiary.*

Salaries of officers, nineteen thousand six hundred and eighty dollars (\$19,680).

Salaries of guards, sixty-five thousand dollars (\$65,000).

Current expenses, one hundred and thirty-five thousand dollars (\$135,000).

Manufacture of gas, fourteen thousand dollars (\$14,000).

Rewards to discharged convicts, eighteen thousand dollars (\$18,000).

Expense of executions, fifteen hundred dollars (\$1,500).

Ordinary repairs, including carpets and furniture, improvement of streets, sewerage and water-works, fire protection and library, thirteen thousand dollars (\$13,000).

Improvement of lights, fifteen hundred dollars (\$1,500).

Moral and religious instruction, two hundred and twenty-five dollars (\$225).

For purchase of buggy for use of penitentiary officer, one hundred dollars (\$100).

*Ohio State Reformatory.*

For construction Ohio state reformatory, fifty thousand dollars (\$50,000).

General appropriations for  
1894 and 1895.

*Miami University.*

For the uses and purposes of Miami university, fourteen thousand dollars (\$14,000).

*Ohio University.*

For the uses and purposes of Ohio university, twelve thousand dollars (\$12,000).

*Wilberforce University.*

For the uses and purposes of Wilberforce university in the normal and industrial department, twelve thousand dollars (\$12,000).

*Athens State Hospital.*

Current expenses, eighty-two thousand dollars (\$82,000).

Ordinary repairs, including painting, wagons and agricultural implements, carpets and furniture, library, repair of boiler-house, sewer and drain-pipe, new pianos, repair of congregate dining-halls, repair of lavatories, water-closets and bath-rooms, enlargement of conservatory, pavements, bath-tubs, new floors and new pipe, eleven thousand dollars (\$11,000).

Any unexpended balance in current expense is hereby authorized to be used for ordinary repairs.

*Cleveland State Hospital.*

Current expenses, one hundred and seven thousand seven hundred and fifty dollars (\$107,750).

Ordinary repairs, including new laundry machinery, repairing boilers and hot-water system, carpets, furniture, painting, books and pictures, and grading, seventy-five hundred dollars (\$7,500).

Railroad track-scales, seven hundred dollars (\$700).

*Columbus State Hospital.*

Current expense, one hundred and thirty-two thousand four hundred dollars (\$132,400).

Ordinary repairs, including carpets and furniture, painting, grading, books and pictures, kitchen and laundry apparatus, repairs to water-closets, and fencing, seven thousand dollars (\$7,000).

Workshop under dining-room, two thousand dollars (\$2,000).

Railroad track, two thousand dollars (\$2,000).

*Dayton State Hospital.*

Current expense, eighty-five thousand nine hundred dollars (\$85,900).

Ordinary repairs, including books and pictures, carpets, furniture and mattresses, painting and new carriage, four thousand dollars (\$4,000).

Electric light plant, thirty-five hundred dollars (\$3,500).

For purchase of fire-hose, fourteen hundred dollars (\$1,400).

General appro-  
priations for  
1894 and 1895.

There is hereby transferred from the water-  
fund to the electric light plant fund, any unexpended  
ance.

*Toledo State Hospital.*

Current expenses, including rent of land, one hun-  
and eighteen thousand one hundred and fifty do-  
(\$118,150).

Ordinary repairs, including furniture, carpets and  
ding, books and pictures, painting, seating assembly  
and chapel, harness, carriages and farm implements, r  
and walks, grading and shrubbery, changing air-flues  
new floors, and tile-floors and water-closets, and w  
works and cold storage and ice-house, fourteen thou-  
dollars (\$14,000).

Any unexpended balance in current expense is he  
authorized to be used for ordinary repairs.

*Massillon State Hospital.*

For construction, fifty thousand dollars (\$50,000).

*Longview State Hospital.*

Current expenses, one hundred and eight thou-  
dollars (\$108,000).

This sum is for the support of the insane in said i-  
tution, and shall be paid into the county treasury of H  
ilton county, monthly, as may be necessary in paymen  
the current expenses of said institution. Requisitions s  
be made by the trustees of said hospital upon the aud  
of Hamilton county, and copies thereof furnished to  
auditor of state, whereupon he shall issue his warrant u  
the state treasurer in favor of the treasurer of Hami  
county for such amount, and said appropriation shall  
charge the state from all legal and equitable obligation  
said institution for the year commencing February 15, 1  
and ending February 15, 1895.

*Boys' Industrial School.*

Salary fund and expenses of trustees, twenty-  
thousand six hundred dollars (\$21,600).

Current expenses, forty thousand dollars (\$40,000).

Ordinary repairs, including grading, library, furni-  
and carpets, machinery and tools and renewing teleph  
line, three thousand dollars (\$3,000).

Reward, four hundred dollars (\$400).

Religious services and lectures, three hundred dol-  
(\$300).

Amusements, two hundred dollars (\$200).

For care of orchard and vineyard, two hundred  
lars (\$200).

For laundry purposes, one thousand dollars (\$1,000).

*Girls' Industrial Home.*

Current expenses, ten thousand dollars (\$10,000).

Salaries and expenses of trustees, eleven thous-  
eight hundred dollars (\$11,800).

Expenses of lady visiting committee, fifty dollars (\$

Religious services, two hundred and eighty-four dollars (\$284).

General appropriations for 1894 and 1895.

Ordinary repairs and improvements, including furniture and carpets and library, thirty-five hundred dollars (\$3,500).

*Institution for the Blind.*

Current expenses, thirty-one thousand dollars (\$31,000).

Salaries of officers and teachers, and trustees' expenses, eighty-three hundred dollars (\$8,300).

Ordinary repairs, including books and school apparatus, carpets, bedding and furniture, care of grounds and walks, steam-heating, water-closets, library, paving roadways and walks, painting and vehicle, six thousand dollars (\$6,000).

Oculist, three hundred and seventy-five dollars (\$375).

*Deaf and Dumb Institution.*

Current expenses, including periodicals and papers, fifty thousand dollars (\$50,000).

Salaries of officers and teachers, and expenses of trustees, twenty thousand dollars (\$20,000).

Ordinary repairs, including furniture and carpets, and changing and furnishing dormitories, five thousand dollars (\$5,000).

Foreman and supplies industrial pursuits, four thousand dollars (\$4,000).

Lumber and nails for boxes, six hundred dollars (\$600).

*Ohio Institution for Feeble-Minded Youth.*

Current expenses, eighty-nine thousand dollars (\$89,000).

Salaries of officers and teachers, and expenses of trustees, ten thousand five hundred and fifty dollars (\$10,550).

Ordinary repairs, including furniture and carpets, fire-escapes and new boilers, fourteen thousand five hundred dollars (\$14,500).

*Ohio Soldiers' and Sailors' Home.*

Current expenses and clothing, balances, amount received from the general government, and twenty-five thousand dollars (\$25,000).

Officers' salaries and trustees' expenses, five thousand dollars (\$5,000).

Ordinary repairs, including furniture, carpets and bedding, and improvement of grounds, nine thousand dollars (\$9,000).

*Ohio Soldiers' and Sailors' Orphans' Home.*

Current expenses, ninety-five thousand dollars (\$95,000).

Salaries of officers, thirteen thousand two hundred and eighty-four and  $\frac{87}{100}$  dollars (\$13,284.87).

Industrial pursuits, purchase of machinery, etc., six thousand dollars (\$6,000).

Expenses of trustees and board of visitors, six hundred dollars (\$600).

General appropriation for  
1894 and 1895.

Services in chapel, two hundred and twenty-five dollars (\$225).

Visiting county homes, eighty-seven dollars and cents (\$87.09).

Net earnings, eleven hundred dollars (\$1,100).

Support of orphans outside, thirty-two hundred dollars (\$3,200).

Entertainment and amusement, five hundred dollars (\$500).

Ordinary repairs, including library, laundry, furn and carpets, grading, farm implements and bath-tubs, eight hundred and fifty dollars (\$8,750).

Salaries of foremen and instructors, seven thousand dollars (\$7,000).

*Ohio Hospital for Epileptics.*

Current expenses, seventeen thousand five hundred dollars (\$17,500).

Ordinary repairs, fifteen hundred dollars (\$1,500).

Salaries of officers, thirty-six hundred dollars (\$3,600).

Expenses of trustees, eight hundred dollars (\$800).

For transportation of inmates to and from hospital, three thousand dollars (\$3,000).

For furniture and fixtures and for cottages, two thousand dollars (\$2,000).

For construction of dining-room, new boilers, heat and lighting, fifty thousand dollars (\$50,000).

*Ohio Working Home for the Blind.*

For the uses and purposes of Ohio working home for the blind, eight thousand dollars (\$8,000).

*Board of Appraisers and Assessors, Express, Etc., Co.*

Salaries of members, fifteen hundred dollars (\$1,500).

Contingent expenses, five hundred dollars (\$500).

*Ohio State Horticultural Society.*

Expenses of society, eight hundred dollars (\$800).

*Miscellaneous.*

Pension for Mrs. J. P. Brush, ninety-six dollars (\$96).

To aid in support of deaf mute school at Cincinnati, twenty-five hundred dollars (\$2,500).

Thomas McDougall, on account of legal service, one thousand dollars (\$1,000).

Joseph B. Foraker, and David K. Watson, attorney Eggleston avenue case, to be paid on approval of commission and attorney-general, three thousand dollars (\$3,000).

Permanent encampment grounds, Ohio national guard, Newark, Ohio, for restoring earthworks, etc., etc., five thousand dollars (\$5,000).

Governor of Ohio for purchase of the portraits of governor James E. Campbell, and Benj. F. Wade, one thousand dollars (\$1,000).

For the establishment of a course of practical and scientific instruction in the art of clay-working and ceramics at the Ohio state university, five thousand dollars (\$5,000).

**SECTION 2.** The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1894, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

**SECTION 3.** No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 15, 1894.

225G

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[Senate Bill No. 79.]

### AN ACT

To amend sections 3821c and 3821f of the Revised Statutes as passed April 28, 1891, relating to safe deposit and trust companies (O. L., vol. 88, pp. 407, 408).

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 3821c and 3821f of the Revised Statutes, as passed April 28, 1891 (O. L., v. 88, pp. 407, 408), be amended so as to read as follows:

**Sec. 3821c.** Companies organized under the acts to which this is supplementary, and engaged in the business of safe deposit and trust companies, in addition to the powers already possessed, shall have the power to take, accept and execute all such trusts of every description as may be committed to such company by any person or persons, or any corporation, by grant, assignment, devise or bequest, or which may be committed or transferred to, or vested in said company, whether the same be to act as executor, administrator, assignee, guardian, receiver or trustee, or in any other trust capacity, by order of any court of record or probate court, in the county in which such company is located, and its principal business is transacted, or of any court of record or probate court of any other state, or of the United States, to receive and take any real estate which may be [the] subject of any such trust, and to act as agent

Safe deposit  
and trust com-  
panies:

Trust capacities  
in which such  
companies may  
act.

under any power. Provided, any such appointment of guardian shall apply to the estate only, and not to the person.

Provisions applicable to probate courts in Hamilton and Cuyahoga counties.

Sec. 3821<sup>f</sup>. The provisions of sections 3821<sup>c</sup>, 3821<sup>d</sup> and 3821<sup>e</sup> relating to the power of the probate court to appoint any such company to act as executor, administrator, assignee, guardian, receiver, or trustee, shall apply only to probate courts in counties containing a city of the first or second grade of the first class.

Repeals.

SECTION 2. That said original sections 3821<sup>c</sup>, 3821<sup>d</sup> and 3821<sup>e</sup> be and they are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed May 16, 1894.

226G

[Senate Bill No. 289.]

## AN ACT

To supplement section 2509 of the Revised Statutes of Ohio.

Cincinnati parks:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2509 of the Revised Statutes of Ohio be supplemented with sectional number as follows:

Bonds.

Sec. 2509<sup>a</sup>. The board of administration is hereby authorized to issue the bonds of such city of the first grade of the first class in such amounts and at such times, and in such manner as may determine to be necessary, the amount of said bonds shall not to exceed in all the sum of twenty-five thousand dollars (\$25,000) and same to bear interest not to exceed four per cent. per annum. Said bonds shall be signed by the president of said board of administration, and the mayor, attested by the city auditor of said city, and shall be secured by the pledge of the faith and credit of said city and shall be payable at such times as said [board] may determine. Said bonds shall be sold according to law.

Proceeds of bonds.

Sec. 2509<sup>b</sup>. The proceeds of any such bonds shall be paid into the park fund and shall be used for the purpose of constructing any bridge which said board shall deem it necessary to build over any avenue in any of the parks under its control, and the remainder of such proceeds shall be paid by said board in payment of all or part of the contracted debts of such city, if any, remaining unpaid, incurred by any former board of park commissioners of said city, or for any other improvements in any of the parks of said city.

Sec. 2509c. Said board of administration shall estimate and report annually, the amount of money sufficient to pay the interest and to provide a sinking fund for the final redemption of all bonds so issued and shall certify same to the proper municipal officers, who shall, in addition to the amount now authorized by law to be levied for municipal purposes, levy a sufficient tax therefor on the real and personal property on the grand tax duplicate of such city and certify such levy for collection with other taxes to the auditor of the county, and same shall be collected according to law. Additional tax.

SECTION 2. This act shall be in force and take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
227G

[Senate Bill No. 318.]

### AN ACT

Supplementary to section 2559 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted as supplementary to section 2559 of the Revised Statutes, with sectional numbering as follows: Public halls:

Sec. 2559c. Whenever the council of any city of the second grade of the first class shall deem it necessary to erect a city hall for such city, to be used for the public offices of the corporation, and such other public purposes as the council may authorize, such city hall may be erected on any public square or public ground within the corporation, and upon such part thereof, as the council, and board of control, acting separately shall determine. For the purpose of paying the cost and expense of the erection and furnishing of a city hall, the council of any such city is hereby authorized, from time to time, to borrow not to exceed the sum of one million dollars in the aggregate, and to issue the bonds of such city for the money so borrowed, in such denominations, payable at such times, and at such rate of interest not exceeding five per cent. per annum, payable semi-annually, as the council may deem proper. The money to arise from the issue of bonds herein authorized shall be deemed in the treasury within the meaning of section 2702, Revised Statutes. Cleveland city hall.  
  
Bonds.

Sec. 2559d. Whenever the council of any such city shall, by resolution, have declared the necessity for the erection of a city hall for such city, and its intent to issue sinking fund.



bonds for the purpose of paying the cost and expense of erecting and furnishing the same as authorized in the preceding section, it shall thereupon create a sinking fund to provide for the payment of the bonds which may be issued for such purpose, and no part of such sinking fund, nor none of the money deposited in or appropriated for the purpose of such sinking fund, shall be used for any other purpose whatever, and it shall be the duty of the council to appropriate to the use of such sinking fund all moneys paid into the city treasury by any gas company or electric light company, by virtue of any contract between any such company and the city, and the council may, from time to time appropriate for the use of such sinking fund any moneys belonging to the corporation not otherwise appropriated, and not required by law to be expended for any other purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 16, 1894.

228G

[Senate Bill No. 328.]

## AN ACT

To supplement section 3961 of the Revised Statutes of Ohio.

School funds:

Action against  
board having  
control of  
school in joint  
subdistrict.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3961 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 3961a. In case the board of education having control of the school in any joint subdistrict shall fail or neglect to perform any of its duties as provided in section thirty-nine hundred and sixty-one; or if said board shall or expend any part of the funds belonging to a joint subdistrict for any other purpose than for the use of the school of such joint subdistrict; or shall fail or neglect at all times to keep the funds belonging to such joint subdistrict in the treasury, the board of education of any township having territory in such joint subdistrict may maintain an action in its own name; in any court having jurisdiction, against such board of education having control of the school, to compel such board to perform its duty, or to restore to the treasury any funds which may have been unlawfully appropriated or taken therefrom; and such board, in addition to costs, shall be liable for all necessary expenses incurred in the prosecution of such action in the event of judgment being rendered against it. All actions under this section shall be commenced

menced within six years from the time the right of action accrued; but such right of action shall not be deemed to have accrued, until the discovery thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

229G

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[Senate Bill No. 375.]

### AN ACT

To provide for the redemption of bonds and payment of interest on the mortgage debt upon the Ohio state fair-grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from money belonging to the sinking fund, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture as herein named: To redeem first mortgage bonds of said board, payable July 1, 1894, of the sixty thousand dollar issue, authorized by act of the general assembly, passed May 1, 1885, which are then payable, five thousand (\$5,000) dollars; for one year's interest on the total unpaid bonds of said issue, two thousand four hundred (\$2,400) dollars. To redeem first mortgage bonds of said board, payable July 1, 1895, of same issue, which are then payable, five thousand (\$5,000) dollars; for one year's interest on total unpaid bonds of said issue, two thousand one hundred (\$2,100) dollars. To pay interest on total unpaid bonds of said issue, due January 1, 1896, nine hundred (\$900) dollars.

Appropriation  
for payment of  
debt of Ohio  
state board of  
agriculture.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

230G

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[Senate Bill No. 397.]

### AN ACT

To supplement section 2293 of the Revised Statutes of Ohio, and authorize certain villages to improve streets and alleys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That authority to improve streets and alleys be given, and section 2293d of the Revised Statutes be enacted supplementary to section 2293 as follows:

Assessments:

Improvement of  
streets and  
alleys and  
assessment of  
costs in villages  
of the first  
class.

Sec. 2293*d*. In villages of the first class, the council of such village shall have authority to cause any of the streets and alleys of said village to be improved by paving, macadamizing and curbing, or either of them, and the method of procedure in such case may be as provided in the Revised Statutes; provided that the value of lots and lands for the purpose of assessment, may be ascertained and fixed by an appraisement to be made by three disinterested resident freeholders appointed by the council, who shall, after being duly sworn, upon actual view of the premises, appraise the true value thereof in money. Such appraisement shall include the value of all permanent improvements. The council may correct any inequalities or errors in said appraisement, or may order a new appraisement. When confirmed by the council said appraised value shall be the basis for assessment for any such improvement, if the council so determine. The assessment shall not exceed twenty-five per centum of the value so fixed, and not more than one-fifteenth of the value so ascertained shall be collected in any one year. In such villages, a majority of the owners of the lots and lands to be assessed petitioning for such improvement, shall authorize the improvement and assessments to be made in all cases as provided in chapter four, division seven, title twelve of the Revised Statutes, subject to the modifications hereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

231G

[House Bill No. 30.]

## AN ACT

To amend section 4026 of the Revised Statutes of Ohio, as amended April 25, 1890 (vol. 87, O. L., pp. 316, 317).

Schools:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4026 of the Revised Statutes, as amended April 25, 1890, be so amended as to read as follows:

Free school-  
books.

Sec. 4026. That each board of education may furnish the necessary school-books free of charge, to enable the parent or guardian, without expense therefor, to comply with the requirements of this chapter, the same to be paid for out of the contingent fund at the disposal of the board; and such levy each year, in addition if necessary to that otherwise authorized by law, is hereby authorized, as shall be necessary to furnish such school-books free of charge to

all the pupils attending the public schools; but such pupils as are already wholly or in part supplied with necessary school-books shall be supplied free of charge only as other or new books are needed; and all school-books furnished as herein provided, shall be considered and be the property of the district, and loaned to the pupils on such terms and conditions as each such board may prescribe.

SECTION 2. That said section 4026 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect one month after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
232G

[House Bill No. 276.]

### AN ACT

To amend sections 1, 2, 4 and 10 of an act "supplementary to chapter 1, title 6 of the Revised Statutes of Ohio," passed March 20, 1889 (86. O. L., pp. 123 and 124), as amended March 14, 1893 (90. O. L., pp. 81, 82 and 83).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2, 4 and 10 of an act "supplementary to chapter 1, title 6 of the Revised Statutes of Ohio," passed March 20, 1889, and amended March 14, 1893, be amended so as to read as follows: County ditches:

Sec. 1. That in all cases where the commissioners of any county in this state shall cause to be constructed or enlarged, or cleaned out or repaired, any ditch, drain, or watercourse the water from which flows into an adjoining county, or into or finds an outlet in any ditch, drain, or watercourse constructed or being constructed in an adjoining county, and in all cases where the commissioners of any county in this state shall cause to be constructed, enlarged, cleaned out or repaired any ditch, drain or watercourse which is or may be an outlet for any ditch, drain, watercourse of lands of an upper county, or which, by reason of any proposed improvement thereof, will provide better drainage or a more sufficient outlet for any ditch, drain, watercourse or lands of an upper county, the commissioners of such upper county shall pay to the commissioners of such lower county such sum as may be agreed upon by the commissioners of both counties for the use and benefit of such outlet, which sum the commissioners of said upper county shall apportion to the lands in their county, for whose benefit said ditch was or is to be constructed; but before any work shall be begun in the construction, Payment for benefit of outlet or drainage afforded by ditch in adjoining county.

Determination  
of amount to  
be paid; evi-  
dence of failure  
to agree or pay.

enlarging, cleaning out or repairing of any ditch, drain or watercourse in either of said counties, the amount to be paid by the commissioners of the said upper county to the commissioners of the said lower county, for the use and benefit or burden of such outlet, shall be wholly agreed upon or determined; the sum which the commissioners of said upper county shall pay to the commissioners of said lower county, shall be determined at a joint meeting of the commissioners of the said upper and lower counties upon the line of said ditch, drains or watercourse, and the refusal of a majority of the board of commissioners of the said upper county to agree, or failure by them to meet, act or take part in a meeting with the commissioners of said lower county upon ten days' notice by the commissioners of said lower county upon the commissioners of said upper county, to determine what sum the commissioners of said upper county should pay the commissioners of said lower county, shall be prima facie evidence of their failure to agree or pay, and ditches, drains or watercourses which provide drainage, or when constructed will provide drainage for land in more than one county, may be constructed, enlarged, cleaned out or repaired, as provided in this act and the laws prescribed for constructing, enlarging, cleaning out or repairing single county ditches, drains or watercourses.

Proceedings  
on failure to  
agree or pay.

Sec. 2. On failure to agree or pay as provided in the preceding section, the commissioners of such lower county may commence in the probate court of either of said counties, their action against the commissioners so refusing to agree or pay, setting forth the fact that proceedings have been begun for any such improvement, and the reasons why the commissioners of the upper county should pay to the commissioners of the lower county a compensation for such outlet or proposed outlet, and the failure to agree or pay as provided in the preceding section[s], and praying for the relief hereinafter provided for. Said probate court before whom said action is commenced, shall, within ten days after the filing of a petition setting forth the above facts, issue a summons directed to the sheriff of the said upper county, who shall be commanded therein to notify the president of the board of commissioners of said upper county that an action has been commenced in accordance with section 2 of this act. Said summons shall contain a copy of the petition, the time and place of hearing, be served and returned as in other cases, and such service shall be not less than ten days before the day of hearing. Proceedings after service and return shall be the same as in other similar cases before probate courts.

Exceptions.

Sec. 4. Either of the parties to said action may within ten days after the filing of said report, file exceptions thereto, which exceptions the court shall hear and determine, and shall confirm, modify, or set aside said report, as justice may require; and if the same be set

aside other freeholders shall be appointed as provided in section three of said act who shall estimate and report as provided in said section, and the decision of the court upon such report shall be final, unless the same shall be reversed upon proceedings in error for errors of law occurring upon such hearing, or because the determination of the court upon exceptions thereto is against the weight of the evidence.

Sec. 10. All proceedings for the construction, cleaning out, repairing or enlarging either of said ditches, in either the upper or lower counties, whether or not the same have been originally constructed as joint ditches or whether or not the ditch to be constructed might be a joint ditch, may be commenced and conducted in the manner prescribed by this act and the law prescribed for single county ditches; but in addition to the manner of procedure prescribed in this act for the construction, enlarging, cleaning out or repairing of any ditch, which furnishes or may furnish drainage for more than one county, proceedings shall be commenced and conducted in the manner prescribed by law for the construction of joint ditches, whenever a majority of each board of commissioners of such counties shall so agree; but in all cases where such commissioners do not agree or determine to proceed under the laws for the construction of joint ditches, and the board of commissioners of said lower county unanimously agree that such improvement is necessary or will be conducive to the public health, convenience or welfare, and the line described in [is] the best route, then all such proceedings in reference thereto, shall be conducted as provided by this act and the laws for single county ditches. Such proceedings to be conducted by the commissioners of said lower county.

Proceedings for construction, cleaning out, repairing or enlarging of ditch in either upper or lower county, or furnishing drainage for more than one county.

SECTION 2. Said sections 1, 2, 4 and 10, as amended March 14, 1893, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
233G

[House Bill No. 439.]

### AN ACT

To amend sections 1, 11, 12, 13, 14 and 15 of an act entitled "An act to create a depository commission in all cities of the second grade of the first class, and to establish a depository for the funds of such cities and for other purposes," passed April 11, 1888, as amended April 7, 1892 (89, O. L., 225), and sections 4 and 10 of said act as amended April 16, 1890 (87, O. L., 210), and sec-

tions 3 and 5 of said act as passed April 11, 1888 (85, O. L., 197), and also section 4002 of the Revised Statutes, as amended April 5, 1894.

Depositories :

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 11, 12, 13, 14 and 15 of an act entitled "An act to create a depositary commission in all cities of the second grade of the first class, and to establish a depositary for the funds of such cities and for other purposes," passed April 11, 1888, as amended April 7, 1892, and sections 4 and 10 of said act as amended April 16, 1890, and sections 3 and 5 of said act as passed April 11, 1888, and section 4002 of the Revised Statutes of Ohio, as amended April 5, 1894, be so amended as to read as follows:

Depositories for city and school funds in Cleveland; depositary commission.

Sec. 1. That the money belonging to each city of the second grade of the first class, and also the money belonging to the school district composed wholly or in part of the territory of such city, shall be deposited by the treasurers of the city and school district respectively, as hereinafter provided, in a bank or banks situated within the boundaries of the city and school district to which the money belongs, and duly incorporated under the laws of this state or of the United States, to be designated in the manner hereinafter provided, as the depositary for such money, by a commission composed of the mayor and corporation counsel of the city and the school director of the board of education of the school district and their successors in office, and to be known as the depositary commission, and for the purposes of this act, in any such city having a public library board, all money raised for library purposes, shall be held and construed to be money belonging to the school district aforesaid; but the auditor shall keep a separate account thereof and credit thereto a pro rata share of interest accruing under the provisions of this act.

Advertisement for proposals from banks.

Sec. 3. That upon the taking effect of this act and very three years thereafter, such commission shall publish in one daily newspaper printed and of general circulation in the city and district, on the second day of the week, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposal shall stipulate: The rate of interest they will pay respectively for the use of one-third of the money aforesaid, for the period of three years. And each proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposals be accepted. Such publication, and all other publications for such proposals, shall be at the joint expense of the city and school district.

What proposals shall contain.

Expense of advertising.

Opening of proposals and awarding of use of moneys.

Sec. 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock noon, the commission shall, in open session, open such sealed proposals, and shall award the use of one-third of such money to each



of the three banks offering the highest rate of interest therefor, or such commission may, if it be deemed for the best interests of the city, accept or reject any or all proposals, and it may readvertise for others.

Sec. 5. No award to any bank shall be binding until there shall be executed by such bank and be accepted by the depositary commission a good and sufficient undertaking, payable to the city, and a like undertaking payable to the board of education of the school district, the former in a sum not less than five hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city, and the latter in a sum not less than one hundred thousand dollars, to be recovered in like manner, for the use of the board of education of the school district. Such undertakings shall each be signed by at least six freeholders of the city and school district as sureties, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and they shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of such money.

Undertakings  
of bank.

Sec. 10. It shall be the duty of every board, officer, agent and employe of each city of the grade and class aforesaid, excepting the sinking fund commissioners, and of every officer or agent of the board of education aforesaid, including the public library board and all officers and employes thereof, in any city in which there is such board, having money in their hands belonging to the city or school district, to deposit such money with the city treasurer upon the taking effect of this act; and thereafter, such boards, officers, agents and employes, except the director of charities and corrections, and the officers of the public library board, shall receive money on account of the city or school district, shall deposit with such treasurer daily all money so received by them; but the director of charities and correction and the officers of the public library board shall make such deposits weekly.

Deposits by  
city boards,  
officers, agents  
and employes  
with treasurer.

Sec. 11. Upon the receipt of a written notice duly signed by the president and secretary of said commission, and a warrant duly signed by the auditor, the treasurer aforesaid shall deposit in the depositary or depositaries named in said notice, in such proportionate quantities as shall be designated in said warrant, all the money in his custody belonging to the city, less a sum not exceeding two thousand dollars; and all the money in his custody belonging to the school district, less a sum not exceeding five hundred dollars, and thereafter he shall, at the close of each business day, in the proportion fixed by said warrant, deposit his total receipts for the day, less any sum he may have used

Deposits by  
treasurer in  
depositary or  
depositaries.



in cashing the city auditor's tax abatement and refund certificates issued by authority of the council; providing that at least once in each month he shall present such certificates to the city auditor; but money belonging to the city shall be deposited to the credit of the city, and money belonging to the school district shall be deposited to the credit of the school district. All money so deposited in any bank selected as a depositary shall bear interest at a rate specified in the proposal of such bank, to be computed on the balances, and on the 30th day of June and the 31st day of December each year, and at any time the accounts are closed the depositary shall place such interest on the money of the city to the credit of the city, and that on the money of the school district, to the credit of the district, and, in writing, notify the city auditor of the amount so credited to the city, which he shall credit to the interest fund of the city, in like manner the depositary shall notify the auditor or board of education of the school district of the amount credited to the district, which shall be credited to its several funds in proportion to the total amount of each deposit.

Interest.  
Daily notices  
by depositaries.

Sec. 12. Each depositary shall, in writing, notify the city auditor, before noon of each business day, of the amount of deposits to the credit of the city made by the city treasurer the preceding business day, and shall notify the auditor of the board of education, in like manner, and at the same time, of the amount of deposits to the credit of the school district made by the treasurer of the school district the preceding business day; and the depositary shall pay out money deposited under the provisions of this act on the checks of the city treasurer, as such, or as treasurer ex officio of the school funds and no such check shall be valid or payable unless it have partly printed and partly written on the same paper therewith a duplicate of a warrant of the city auditor, or of the warrant of the auditor of the board of education, as the case may be, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the words "original" and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer. The auditor shall draw his warrants that there shall be at all times, as near as practicable, the same amount of said money on deposit in each depositary.

Disbursements.

Warrants and  
orders.

Daily statements  
by  
treasurer.

Sec. 13. Before noon of each business day the city treasurer shall make to the city auditor a sworn statement showing the total amount of tax abatement and refund certificates cashed since the last presentation thereof to the city auditor, as provided for in section 11 of this act; and for the preceding business day, the total amount of money received by him, the amounts deposited in each depositary, the total amount of tax abatement or refunding certificates cashed, the total amount of cash remaining in his hands,

number and amount of checks issued on each depository, and the balance in each depository, and he shall keep such books as shall enable him to make such statements; and as treasurer ex officio of the school funds he shall keep like books on behalf of the school district, and make a like statement before noon of each business day to the auditor of the board of education. All money paid to the city treasurer shall be paid upon the order or draft of the city auditor, and all money paid to the treasurer of the school funds shall be paid upon the order or draft of the auditor of the board of education; and receipts given therefor shall be in duplicate, one of which shall have printed upon its face the word "original" and the other the word "duplicate." The duplicates of receipts for money belonging to the city shall be filed with the city auditor, and the duplicates of receipts for money belonging to the school district shall be filed with the auditor of the board of education, and each duplicate shall be so filed on the day of its date; and each receipt shall state the amount received, from whom received, and to what fund or funds the same is to be applied.

Books required to be kept.

Payment of moneys to treasurer.

Duplicate receipts.

Sec. 14. The salaries of all city officials and employes and the monthly pay-rolls of the board of education of the school district may be paid in cash; and to provide money for such payment, the city auditor, on behalf of the city, and the auditor of the board on behalf of the school district, shall issue their respective warrants authorizing the issuance of checks upon the depository for amounts, to be stated in the warrants respectively, sufficient to meet such demands; all other warrants shall be drawn in favor of the persons to whom the amounts specified therein respectively are due or in favor of their assigns.

Payment of salaries, etc.

Sec. 15. The city auditor shall keep in his office books in which shall be entered the receipts of the city treasurer's office daily, to the credit of the city, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with each depository, to the credit of the city, as shown by the statements of the respective depositories, the daily aggregate amount of warrants issued by him, and the balance at the close of each business day to the credit of the city in the hands of each depository; and the auditor of the board of education shall keep books in his office with like entries on behalf of the school district; and upon receipt by them, respectively, of the sworn statements provided for by section thirteen, they shall certify thereon to the correctness of the same, if, upon comparison with their respective books, they be found to be correct, and shall file such statements in their offices, respectively. If any such sworn statement to either be found incorrect, he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately, he shall forthwith notify the depository commission thereof.

Books to be kept by city auditor and auditor of board of education.

Certificate to accuracy of treasurer's statements.

Disposal of discrepancies.

**Library tax.****How library fund to be expended.****Repeals, etc.**

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library may levy annually a tax of five-tenths of one mill on the dollar valuation of the taxable property of the city, and territory thereto attached for school purposes, to be collected and paid in the same manner as are school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other publications as may be deemed suitable for the public library, and payment of all other charges and expenses, including compensation of the librarian, assistants and help that may be incurred in increasing and maintaining the library, and claims against said fund shall be approved by the president and secretary of said library board and paid upon the warrant of the auditor of the board of education in the manner now provided by law for the payment of claims against said city.

SECTION 2. That said sections 1, 11, 12, 13, 14, 10, 3 and 5 of said act, and said section 4002 of the Revised Statutes as amended April 5, 1894, be and the same are hereby repealed, and this act shall take effect and have force from and after the first day of October, 1894.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

THOMAS H. McCONVILLE,

*President pro tem. of the Senate*

Passed May 16, 1894.

234G

[House Bill No. 472.]

## AN ACT

Making appropriations to pay deficiencies and liabilities existing prior to February 15, 1894.

**Appropriations to pay deficiencies, etc.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums are hereby appropriated out of any moneys in the treasury or credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1894, to wit:

*Adjutant-General's Department.*

Expense of publishing roster, Ohio troops, three hundred and sixty dollars and thirty-six cents (authorities) (\$360.36).

Court inquiry, third regiment, Ohio national guard, two hundred and fifty-nine dollars and eighty cents (\$258.80).

In settlement of rent, fuel and light, account of adjutants, twenty thousand dollars (\$20,000).

Pay-roll and maintenance, O. N. G., for protection of property at the Toledo fire, January 3 and 4, 1894, eight hundred and three dollars and thirty-three cents (\$803.33).

Appropriations  
to pay deficiencies,  
etc.

Expense one hundred tent-flies, five hundred dollars (\$500).

*State-House and Grounds.*

Electric lights, four thousand five hundred and fifty-nine dollars and seventy-seven cents (\$4,559.77).

Repairs electric lights, three hundred and fourteen dollars and nine cents (\$314.09).

Fuel for state-house, fifteen hundred and ninety-eight dollars and thirty-five cents (\$1,598.35).

Water rent, one dollar and sixty-six cents (\$1.66).

*Ohio State Archaeological and Historical Society.*

Outstanding bills, three hundred dollars (\$300).

*Board of Public Works.*

Salary of secretary, one dollar and seventy-two cents (\$1.72).

Salary of clerk and stenographer, ninety-one cents (\$0.91).

Miami and Erie canal (authorized), twenty-two thousand five hundred dollars (\$22,500).

Miami and Erie canal, twenty-one thousand six hundred and twenty-nine dollars and eighty-eight cents (\$21,629.88).

Northern division Ohio canal (authorized), six thousand dollars (\$6,000).

Northern division Ohio canal, four thousand two hundred and thirty-five dollars and fifty-four cents (\$4,235.54).

Southern division Ohio canal (authorized), sixteen thousand five hundred dollars (\$16,500).

Southern division Ohio canal, twenty thousand six hundred and forty-four dollars and forty-five cents (\$20,644.45).

Hocking canal (authorized), one thousand dollars (\$1,000).

Hocking canal, one thousand eight hundred and twenty-one dollars and ninety-five cents (\$1,821.95).

Walhonding canal (authorized), five hundred dollars (\$500).

Walhonding canal, seven hundred and forty-nine dollars and eighty-eight cents (\$749.88).

Attorneys' fees at Akron, one hundred and fifty-three dollars (\$153).

*Chief Inspector of Mines.*

Attorneys' fees, ten dollars (\$10).

Clerk hire, fourteen dollars (\$14).

*Prosecution and Transportation to Ohio Penitentiary.*

Prosecution and transportation of convicts, twenty-four thousand five hundred and forty-seven dollars and eleven cents (\$24,547.11).

Appropriations  
to pay deficiencies,  
etc.

*Secretary of State.*

Extra clerk hire, seventy-four dollars and fifty cents (\$74.59).

*Insurance Department.*

Salary of extra clerks, one hundred and seventy dollars and ninety-two cents (\$175.92).

Contingent expenses, seven hundred and four dollars and thirty-six cents (\$704.36).

*Athens State Hospital.*

For purposes of (authorized), twenty-five hundred dollars (\$2,500).

*Columbus State Hospital.*

Ordinary repairs, one thousand dollars (\$1,000).

*Toledo State Hospital.*

Ordinary repairs, seven hundred and sixty-nine dollars and forty-eight cents (\$769.48).

Boiler-house and grates (authorized), two thousand dollars (\$2,000).

Additional water supply (authorized), fifteen hundred dollars (\$1,500).

*Deaf and Dumb Institution.*

Ordinary repairs, fifteen hundred dollars (authorized) (\$1,500).

*Ohio Soldiers' and Sailors' Orphans' Home.*

Current expenses (authorized), ten thousand dollars (\$10,000).

Ordinary repairs and improvements (authorized), one thousand dollars (\$1,000).

Salaries of foreman and instructors (authorized), sixteen hundred and sixteen dollars and seven cents (\$1,616.07).

Bakery and range, three hundred and forty dollars (authorized) (\$340).

*Ohio Hospital for Epileptics.*

Construction, fourteen thousand four hundred and thirty-nine dollars and seventy-one cents (authorized) (\$14,439.71).

*Ohio Working Home for the Blind.*

Working capital fund, twenty-six hundred and ninety-two dollars and seventy-two cents (\$2,692.72).

*Auditing Committee.*

Compensation of committee to audit deficiency of Ohio soldiers' and sailors' home and Ohio fish and game commission, two hundred dollars (\$200).

*Ohio World's Fair Commission.*

Live stock premiums, seventeen hundred and twenty dollars and sixty cents (\$1,720.60).

Director's stenographer, one hundred and fifty dollars (\$150).

Salary of director and secretary, six hundred seventy-three dollars and thirty-three cents (\$673.33).

Appropriations  
to pay deficiencies,  
etc.

Expense of members of the board and committee, five hundred dollars (\$500).

Salary of L. N. Bonham, treasurer, eight hundred and eleven dollars and forty-two cents (\$811.42).

State mine inspector for collecting and caring for mineral exhibit, eight hundred dollars (\$800).

Services and expenses of superintendent of maple exhibit, six hundred dollars (\$600).

*Ohio Fish and Game Commission.*

C. H. Marshall, claim for labor, one hundred and forty-one dollars (\$141).

*Board of Appraisers and Assessors, Express, Telegraph and Telephone Companies.*

Contingent expenses, four hundred and ten dollars and ninety-three cents (authorized) (\$410.93).

*Ohio State Library.*

Claim of Bensiger Bros. for books furnished state library by order of J. C. Tuthill, one hundred and twenty-four dollars and forty-four cents (\$124.44).

*Miscellaneous.*

Compensation for tax revision commission of 1893, eight thousand dollars (\$8,000).

Compensation of stenographer, tax revision commission of 1893, two hundred and seventy-two dollars and twenty-six cents (\$272.26).

And there is hereby transferred from the tax commission expense fund any unexpended balance to said stenographer.

T. C. Cochran, for finishing secretary of state C. L. Poorman's annual report, two hundred and twelve dollars and fifty cents (\$212.50).

Frederick Blenkner, for painting and refitting halls of house of representatives and senate, and committee rooms, material and labor, seven hundred and thirty-eight dollars and seventeen cents (\$738.17).

Expenses Torrens land commission, five hundred dollars (\$500).

T. M. Bigger for stenographer's expenses in McDonald investigation (authorized), two hundred and sixty-eight dollars (authorized) (\$268).

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate.*

Passed May 16, 1894.

235G

[House Bill No. 720.]

## AN ACT

To amend section 1504 of the Revised Statutes of Ohio, as amended March 10, 1892.

Officers of civil  
townships:

Township  
clerk: de-  
tailed statement  
to be made by,  
annually.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1504 of the Revised Statutes of Ohio, as amended May 1, 1891, and March 10, 1892, be amended to read as follows:

Sec. 1504. He shall, immediately after the township officers have made their annual settlement of accounts, make out and enter in the record in which the proceedings of the trustees are recorded, a detailed statement of all the receipts and the expenditures of the township for the preceding year, if any, and also the receipts and expenditures of the township board of education, stating from what source the moneys were received, and to whom paid, and for what expended, and a detailed statement of all liabilities, if any, a copy of which statement he shall post up on the morning of the first Monday of April, annually, at each place of holding township elections in such township. Any township clerk refusing or neglecting to make out, enter and publish said detailed statement, shall be liable to a fine of not more than thirty dollars nor less than twenty-five dollars, recoverable before any justice of the peace of the township, and to be paid into the school fund of the township.

Repeals.

SECTION 2. That said original section 1504, as amended March 10, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 16, 1894.

236G

[House Bill No. 817.]

## AN ACT

To further supplement section 148 of the Revised Statutes.

Secretary of  
state:

Foreign corpo-  
rations: state-  
ment to be  
filed by, with  
secretary of  
state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 148 of the Revised Statutes be further supplemented as follows:

Sec. 148c. Every foreign corporation, incorporated for purposes of profit, now or hereafter doing business in this state and owning or using a part or all of its capital or plant in this state, shall, within thirty days after the passage of this act, or, in case of a company hereafter coming into this state, then before it proceeds to do any business in this state, under the oath of the president, secretary, treasurer, super-

intendent or managing agent in this state of such corporation, make and file with the secretary of state a statement, in such form as the secretary of state may prescribe, containing the following facts:

1. The number of shares of authorized capital stock of the company and the par value of each share.

2. The name and location of the office or offices of the company in Ohio, and the name and address of the officers or agents of the company in charge of its business in Ohio.

3. The value of the property owned and used by the company in Ohio, where situate, and the value of the property of the company owned and used outside of Ohio.

4. The proportion of the capital stock of the company which is represented by property owned and used and by business transacted in Ohio.

From the facts thus reported, and any other facts coming to his knowledge bearing upon the question, the secretary of state shall determine the proportion of the capital stock of the company represented by its property and business in Ohio, and shall charge and collect from the company, for the privilege of exercising its franchises in Ohio, one-tenth of one per cent. upon the proportion of the authorized capital stock of the corporation, represented by property owned and used and business transacted in Ohio, being the same fee required to be paid by corporations formed under the laws of Ohio. Upon the payment of the said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio and is authorized to do business therein, stating the amount of its entire capital and [of] the proportion of which is represented in Ohio. Provided this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to express, telegraph, telephone, railroad, sleeping-car, transportation or other corporations engaged in Ohio in interstate commerce business; or to foreign corporations, entirely non-resident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporation shall have the right, on application, to be heard by the secretary of state touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney-general, whose decision in the matter shall be final. Every foreign corporation, subject to the provisions of this section, which shall neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars. And an additional penalty of one thousand dollars for every month that it continues to transact any business in Ohio, without complying with the requirements of this section, to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit

Fees charged by  
secretary of  
state.

Exceptions as  
to application  
of this act.

Appeals.

Penalty for  
failure to com-  
ply.



**Suits to compel compliance.**

**Requirements of corporations when capital stock is increased.**

**Fees to be paid into state treasury.**

of the general revenue fund. The attorney-general, at the request of the secretary of state, shall institute such suit in the court of common pleas of Franklin county, or in any county in which such corporation has an office or place of business, as he prefers. No foreign corporation subject to the provisions of this section, shall maintain any action in this state upon any contract made by it in this state, until the time fixed by this act for a compliance by such corporation with its requirements, until it shall have complied with the requirements of this act and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax provided in this section, and which thereafter shall increase the portion of its capital stock represented by property used in business done in Ohio, shall within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one per cent. upon the amount of increase, of its capital stock represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section, which complies with its requirements, shall not be subject to process of attachment under section 110 of the Revised Statutes or any law of Ohio, upon the ground that it is a foreign corporation or a non-resident of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
THOMAS H. MCCONNELL,  
*President pro tem. of the Senate*

Passed May 16, 1894.  
237G

[Senate Bill No. 83.]

### AN ACT

To prevent fraud and deception in the manufacture and sale of oleomargarine, and promote public health in the state of Ohio.

**Oleomargarine: restrictions as to manufacture of.**

**Placards to be displayed by dealers.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall manufacture, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine which contains any methly [methyl] orange, butter yellow, or aniline dye, or any other coloring matter.

SECTION 2. Every person who shall offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine, shall keep a placard not less in size than ten by fourteen inches, in a conspicuous place where the same may be easily seen and read, in the store, room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which

card shall be printed in black letters, not less in size than one and one-half inches square, the words "oleomargarine sold here;" and said placard shall not contain any other words than the ones described; and no person shall sell or deliver any oleomargarine unless it be done under its true name and each package has on the upper side thereof a label on which is printed in letters not less than five-eighths of an inch square, the word "oleomargarine," and in letters not less than one-eighth of an inch square, the name and per cent. of each ingredient therein.

SECTION 3. Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding-house, restaurant, eating-house, lunch-counter or lunch-room, who knowingly therein sells, uses, serves, furnishes or disposes of or uses in cooking, any oleomargarine, shall display and keep a white placard in a conspicuous place, where the same may be easily seen and read, in the dining-room, eating-room, restaurant, lunch-room or place where such substance is furnished, served, sold or disposed of, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters, not less in size than one and a half inches square, the words "oleomargarine sold and used here;" and said card shall not contain any other words than the ones aboved described, and such proprietor, keeper, manager or person in charge shall not sell, furnish, serve or dispose of such substance as for butter when butter is asked for or purported to be furnished or served.

Placards to be displayed by hotel proprietors and others.

SECTION 4. The word "oleomargarine" as used in this act shall be construed to mean any substance, not pure butter of not less than eighty per cent. of butter-fats, which substance is made as substitute for, in imitation of, or to be used as butter.

Oleomargarine defined.

SECTION 5. Any manufacturer who violates any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars; and for each subsequent offense, in addition to the above fine, may be imprisoned in the county jail not more than ninety days. Any other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars.

Penalty for violation of act.

SECTION 6. All acts and parts of acts not in accordance with the provisions of this act be and are hereby repealed.

Repeals.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
238G

[Senate Bill No. 262.]

## AN ACT

To amend section 1371.

Original surveyed townships:

When auditor may appoint trustees and treasurer.

When may be elected.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1371 of the Revised Statutes be amended so as to read as follows:

Sec. 1371. When it comes to the knowledge of the county auditor that the electors of any such township have failed to apply to the commissioners as aforesaid, for one year after such application is authorized, or that in any such township the trustees and treasurer elected have failed to qualify or to perform the duties incumbent upon them, the auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties, and shall have the same powers as if elected as aforesaid. And in any case the term of office of such trustees and treasurer has expired, and no successors have been elected or appointed as by this chapter provided, an election may be ordered as provided in section thirteen hundred and sixty-seven. In any case such application is made, the commissioners of the county in which said reserved section, or part thereof, has been substituted, shall order an election, designating the time and place of holding the same. They shall appoint three judges and two clerks to conduct such election, who shall give notice of the same by posting in some of the most public places within such township, written or printed notice thereof. Said election shall be conducted in the same manner as township elections in civil townships.

SECTION 2. Said section thirteen hundred and seventy-one is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS  
*President of the Senate*

Passed May 16, 1894.  
239G

[House Bill No. 585.]

## AN ACT

To reestablish the jurisdiction of the general term of the supreme court of Cincinnati.

Superior court of Cincinnati:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 499, 499a and 503 of the Revised Statutes, as enacted by an act passed February 1885, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the circuit

and other courts" (82, O. L., 16), be revived, reenacted and supplemented so as to read as follows:

Sec. 499. A judgment rendered, or final order made, by the superior court of Cincinnati at general term, may be reversed, vacated or modified by the supreme court for errors appearing on the record.

Judgments:  
how reviewed on  
error.

Sec. 499a. A judgment rendered, or final order made, by said superior court of Cincinnati at special term, may be reversed, vacated or modified by said superior court at general term for errors appearing in the proceedings at special terms, or by exceptions taken, in accordance with chapter 4, title 1, division 3, part 3 of the Revised Statutes. The proceedings to obtain such reversal, vacation or modification, shall be by petition, to be entitled "petition in error," and shall be the same as those provided by chapter 1, title 4, part 3 of the Revised Statutes, upon petitions in error, except that it shall not be necessary to file with the petition a transcript of the proceedings, but the petition in error shall be heard upon the original files, pleadings and proceedings; and the said superior court, at general term thereof, shall have the power to render such judgment as should have been rendered at special term, or remand the cause to the special term for judgment, and upon such judgment execution may issue as upon original judgments; provided, that no judge of said superior court shall sit on the trial or hearing in said superior court in general term of a petition in error to reverse a judgment rendered or decision made by such judge in special term.

Proceedings in  
error; petition;  
power of court  
at general term  
to render judgment  
or remand to special  
term.

When judge disqualified to sit  
in review.

Sec. 499b. Whenever one of the judges of the superior court of Cincinnati shall be disqualified from sitting in the hearing of any cause in the general term of said court, his place in such hearing shall be taken by a judge of the court of common pleas of Hamilton county, to be designated as follows: The judges of said court of common pleas shall, in the month of September of each year, designate and assign one of their number to sit in the hearing of cases in the general term of said superior court for the year, beginning with the first day of October next ensuing; and should the term of office of the judge so designated and assigned end before the expiration of such year, another judge shall in like manner be designated and assigned for the residue of such year. Should more than one judge of said superior court be disqualified to sit in any cause in the general term thereof, a certificate to that effect shall be issued by said court to the supervisory judge of said court of common pleas, who shall thereupon designate and assign such additional number of judges of said court of common pleas as may be necessary, to sit in the hearing of such cause. Designations and assignments so made by said court of common pleas, or the supervisory judge thereof, shall be entered upon the minutes of the judges of said court sitting in joint session, and copies of such entries shall be certified

Common pleas  
judge to sit  
when judge  
superior court  
disqualified;  
how designated.

to said superior court of Cincinnati and entered upon minutes of the general term thereof.

Questions arising at special term may be reserved for general term.

How reviewable.

Sec. 503. Any judge of the superior court of Cincinnati sitting in special term, may reserve and adjourn the decision of such court in general term, any question of law or fact arising in any case upon the record, or upon evidence in writing, and when the decision of such question authorizes or requires a final order or judgment, the same may be entered by the court in general term. Judgments and final orders of such superior court, in general term, shall be reviewable only by the supreme court; all judgments providing for the review of final orders and judgments of circuit courts shall apply to final orders and judgments of such superior court in general term.

SECTION 2. That section 1 of the act passed January 30, 1894, amending section 6709 of the Revised Statutes, as amended April 17, 1893, be amended so as to read as follows:

Review of judgment or final order by circuit court; when error in record must be stated.

Sec. 1. A judgment rendered, or final order made by any court of common pleas may be reversed, vacated or modified by the circuit court of the county wherein such court of common pleas is located, for errors appearing upon the record. All errors assigned in the petition in error shall be passed upon by the court, and in every case where a judgment or order is reversed and remanded for a new trial or hearing, the circuit court shall, in its mandate to the court below, state the error or errors found in the record upon which the judgment is founded.

SECTION 3. That section 6710 of the Revised Statutes, as amended by the act passed May 4, 1885 (82, O. L., 2), be amended so as to read as follows:

Jurisdiction of supreme court in error; finding of facts.

Sec. 6710. A judgment rendered, or final order made by the circuit court, any court of common pleas, probate court, or the superior court of any city or county, may be reversed, vacated or modified by the supreme court, upon petition in error, for errors appearing on the record; but upon petition in error in such cases, except as to the judgment or final order of the circuit court, or of the general term of the superior court of Cincinnati, shall be filed without leave of the supreme court, or a judge thereof, and the supreme court shall not in any civil cause or proceeding, except where its jurisdiction is original, be required to determine as to the weight of the evidence; and on application of any party excepting to a ruling or decision of the circuit court during the trial, or on a motion for a new trial, such court shall find from the evidence, and state on the record the facts upon which the alleged error arises, or which may be material in determining whether error has intervened or not.

Repeals.

SECTION 4. That said section 1 of the act passed January 30, 1894, amending section 6709 of the Revised Statutes, as amended April 17, 1893, and supplemental act section 6709a, enacted April 18, 1893 (90, O. G. L., 191), and section 6710 of the Revised Statutes, as amended March

1885 (82, O. L., 230), be and the same are hereby repealed; provided, however, that said section 6709a and section 1 of said act passed January 30, 1894, shall continue in force in so far as the same affect judgments rendered and final orders made by the superior court of Cincinnati at special term prior to the taking effect of this act; but this act shall apply to all actions and proceedings, which may be pending and undetermined in the superior court of Cincinnati at special term when this act takes effect. Exceptions.

SECTION 5. This act shall take effect and be in force from and after the first day of July, A. D. 1894.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
240G

[House Bill No. 988.]

## AN ACT

To supplement section 3548 of the Revised Statutes of Ohio with sectional number 3548a.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 3548 of the Revised Statutes of Ohio, with sectional numbering as follows: Bridge companies.

Sec. 3548a. Any company which has heretofore constructed any bridge across the Ohio river, may construct, extend and maintain avenues or approaches thereto beyond the point where the same are now, or are by law authorized to be constructed, and, in the construction and maintenance of such avenues and approaches, may exercise all the rights, powers and privileges now conferred on bridge companies by the laws of the state of Ohio, and may borrow money and secure the payment of same as is provided in section 3256 of the Revised Statutes. May borrow money for construction or maintenance of avenues or approaches.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
241G

## AN ACT

To change the subdivisions of the second judicial district; to provide for eight additional judges of the court of common pleas in for said judicial district, and for their election, compensation, duties and powers; to repeal an act entitled "An act to change the subdivisions of the second judicial district and to provide for the election of an additional judge in the first subdivision," passed March 13, 1868; and also the several acts to authorize the election of additional judges of the court of common pleas in said judicial district, passed May 18, 1871, March 21, 1879, March 12, 1879, April 16, 1883, and parts of the acts to authorize the election of additional judges of the court of common pleas in said judicial district and to abolish superior courts, passed March 27, 1875, and March 19, 1885.

Second common  
pleas judicial  
district: sub-  
divisions de-  
fined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That two-thirds of all the members elected to each branch thereof concurring, that the subdivisions of the second judicial district be and are hereby changed so as to be constituted as follows, viz.: The county of Lucas shall be and constitute the first subdivision of said judicial district; the counties of Miami, Champaign, Clark, Darke and Preble shall be and constitute the second subdivision of said judicial district; the counties of Warren, Clinton, Greene and Montgomery shall be and constitute the third subdivision of said judicial district.

Judges now in  
office continued.

SECTION 2. That the several judges now in office in the first, second and third subdivisions of said judicial district, as they were constituted by the act of the general assembly passed March 13, 1868, shall be the judges of and for the first, second and third subdivisions of said judicial district respectively, as said subdivisions are constituted and described by this act; provided, that nothing herein contained shall be construed so as to interfere in any way with the holding of courts in said judicial district as they are now fixed for 1894.

Additional  
judges.

SECTION 3. That in and for said judicial district there shall be eight additional judges of the court of common pleas who shall reside in and be elected by the qualified electors of said several subdivisions of said judicial district, as they are constituted and described by this act, as hereinafter set forth.

Second sub-  
division: elec-  
tion of addi-  
tional judges in.

SECTION 4. That four of such additional judges, provided for by section 3 of this act, shall reside in the second subdivision of said judicial district, as constituted by this act, and shall be elected by the qualified electors of said second subdivision, composed of the counties of Miami, Champaign, Clark, Darke and Preble. The first election of two of such additional judges residing in said second subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1894; and they shall be elected for the term of five years, commencing on the third Monday of November, 1894; the first election

of one of such additional judges residing in said second subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1894, and he shall be elected for the term of five years, commencing on the first Monday of May, 1895; the first election of one of such additional judges residing in said second subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1897, and he shall be elected for the term of five years, commencing on the third Monday of May, 1898.

SECTION 5. That four of such additional judges, provided for in section 3 of this act, shall reside in the said third subdivision of said judicial district, as constituted by this act, and shall be elected by the qualified electors of said third subdivision, composed of the counties of Warren, Clinton, Greene and Montgomery. The first election of one of such additional judges residing in said third subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1894, and he shall be elected for the term of five years, commencing on the first Monday of May, 1895; the first election of one of such additional judges residing in said third subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1895, and he shall be elected for the term of five years, commencing on the first day of July, 1896; the first election of one of such additional judges residing in said third subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1896, and he shall be elected for the term of five years, commencing on the third Monday of November, 1896; the first election of one of such additional judges, residing in said third subdivision as constituted by this act, shall be held on the first Tuesday after the first Monday of November, 1898, and he shall be elected for the term of five years, commencing on the 9th day of February, 1899.

Third subdivision :  
election of additional judges in.

SECTION 6. That the said additional judges provided for by this act, when elected and qualified, shall in every respect have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties as are now or hereafter may be enforced or enjoined by the constitution and laws of the state of Ohio upon the judges of the court of common pleas.

Powers, jurisdiction and liabilities of additional judges.

SECTION 7. That any vacancy that may occur in the office of any one or more of such additional judges provided for by this act, by death, resignation or otherwise, shall be filled as in cases of vacancy in the office of the other judges of the court of common pleas, and every five years, respectively, after the first election of said respective additional judges, as provided for herein, their respective successors shall in like manner be elected, for the same term of office as is provided by the constitution and laws of the state of Ohio for the election of other judges of the court of common pleas.

Vacancy in office additional judge: how filled.



Salary and compensation of judges.

SECTION 8. That said additional judges provided for by this act, when elected and qualified, shall receive the same compensation out of the state treasury as other judges of the court of common pleas; but any of such additional judges provided for by this act, and any judge or judges of the court of common pleas who, at the time of their election, respectively reside in Butler county, in Clark county, in Montgomery county, and shall thereafter continue to reside in the same county as at the time of election as aforesaid, shall receive, in addition to the salary payable out of the state treasury, the sum of not more than fifteen hundred dollars per annum, to be fixed by the commissioners of the county in which such judge or judges reside at the time of election and thereafter continue to reside in, to be paid out of the county treasury, upon the warrant of the county auditor, in the same manner and at such times as is provided for the payment of the salary of such judge or judges out of the state treasury; and when such additional compensation is once fixed it shall not be increased or diminished during the term of office of the judge to whom it is allowed.

Repeals.

SECTION 9. That an act entitled "An act to change the subdivisions of the second judicial district, and to provide for the election of an additional judge in the first subdivision," passed March 13, 1868; and also an act entitled "An act to authorize the election of an additional judge of the court of common pleas in the first subdivision of the second judicial district of the state of Ohio," passed May 1, 1871; and also an act entitled "An act to authorize the election of one additional judge of the court of common pleas in the first subdivision of the second judicial district of Ohio," passed March 21, 1879; and also sections 1, 2, 3 and 4 of an act entitled "An act to authorize the election of one additional judge of the court of common pleas in the first subdivision of the second judicial district of Ohio, and to repeal sections 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522 of the Revised Statutes known as an act to establish the superior court of Montgomery county," passed March 19, 1885; also an act entitled "An act to provide for the election of an additional judge of the court of common pleas in the second subdivision of the second judicial district," passed June 12, 1879; also an act entitled "An act to provide for the election of an additional judge of the court of common pleas in the second subdivision of the second judicial district of Ohio," passed April 16, 1883; and also sections 1, 2, 3, 4 and 5 of an act entitled "An act to authorize the election of two additional judges of the court of common pleas in the third subdivision of the second judicial district of Ohio, and to repeal an act to establish a superior court for Greene county," passed March 27, 1875, be and the same are all hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 17, 1894.  
 242G

[House Bill No. 302.]

## AN ACT

To change the subdivisions of the fifth common pleas judicial district, and to provide for the election of additional judges in said district, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That (two-thirds of the members elected to each branch thereof concurring), the counties of Adams, Brown and Clermont shall constitute the first subdivision of the fifth judicial district; the counties of Highland, Ross, Fayette, Pickaway and Madison shall constitute the second subdivision of the fifth judicial district, and the county of Franklin shall constitute the third subdivision of said district, and together shall form such district.

Second common pleas judicial district; subdivisions defined.

SECTION 2. That the judges of the court of common pleas, heretofore elected and holding office in the territory comprising the several subdivisions of said judicial district, shall serve out their judicial terms, and, during the residue of their respective terms, be deemed the judges of that subdivision and district hereby formed, in which the residences of such judges were respectively fixed at the time of the passage of this act. But nothing herein shall be construed to effect [affect] the time now fixed for holding any of the terms of court in any of the subdivisions of said district for the year 1894.

Judges now in office continued until expiration of terms, and deemed judges of subdivision in which they reside, etc.

SECTION 3. There shall be one additional judge of the court of common pleas in and for said fifth district, who shall reside in the first subdivision thereof, as hereby constituted, and who shall be elected by the electors of the said subdivision on the first Tuesday after the first Monday in November, A. D. 1897, for the term of five years, commencing on the fifteenth day of October, A. D. 1898, and his successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1902, and every five years thereafter.

Additional judge in first subdivision; election and term of.

SECTION 4. There shall be three additional judges of the court of common pleas in and for the said fifth district, who shall reside in the second subdivision thereof as hereby constituted, and who shall each be elected by the electors of said subdivision. One of said judges shall be

Additional judges in second subdivision; election and term of.

so elected on the first Tuesday after the first Monday in November, A. D. 1894, for the term of five years, commencing on the ninth day of February, A. D. 1895, and his successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1899, and every five years thereafter. And two of said additional judges shall be so elected on the first Tuesday after the first Monday in November, A. D. 1898, for the term of five years each, respectively, the term of each commencing on the ninth day of February, A. D., 1899, and the successor of each of said judges, respectively, shall be elected on the first Tuesday after the first Monday in November, A. D. 1903, and every five years thereafter.

**Additional judges in third subdivision; election and term of.**

SECTION 5. There shall be three additional judges of the court of common pleas in and for said fifth district who shall reside in the third subdivision thereof, as hereby constituted, and who shall each be elected by the electors of said third subdivision on the first Tuesday after the first Monday in November, A. D. 1897, for the term of five years each, respectively, the term of each commencing on the first day of May, A. D. 1898, and the successor of each of said additional judges shall be elected on the first Tuesday after the first Monday in November, A. D. 1902, and every five years thereafter.

**Salaries, powers and jurisdiction.**

SECTION 6. That each of said additional judges, herein provided for, shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified, they shall each have, in all respects, the same powers and jurisdiction, and discharge all the duties as are now conferred and enjoined by the constitution and laws of this state upon the judges of said court; and any vacancy that may occur in the office of any of said additional judges by death, resignation, or otherwise, shall be filled as in cases of vacancy in the office of judge of said court.

**Repeals.**

SECTION 7. That the following acts, and parts of acts, be and the same are hereby repealed:

1. Sections 1, 2, 3 and 4 of the act of February 24, 1868, entitled "An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the fifth judicial district."

2. The act of May 9, 1868, entitled "An act to provide for the election of an additional judge of the court of common pleas for the second subdivision of the fifth judicial district," and the act of April 26, 1873, supplementary thereto.

3. The act of May 16, 1879, entitled "An act subdividing the fifth common pleas district, and providing for an additional judge in the third subdivision therein."

4. The act of April 15, 1882, entitled "An act to authorize the election of an additional judge in the third subdivision of the fifth judicial district."

5. The act of February 24, 1892, entitled "An act to provide for an additional judge of the court of common pleas in the first subdivision of the fifth judicial district, and to fix the time of election thereof, and to repeal an act of March 6, 1891."

6. The act of March 15, 1893, entitled "An act to authorize the election of one additional judge of the court of common pleas in the third subdivision of the fifth judicial district."

7. The act of February 9, 1893, entitled "An act supplementary to an act to amend section 1292b of the Revised Statutes of Ohio."

SECTION 8. That nothing in this act shall be construed to effect [affect] in any wise the present incumbents, elected by virtue of any of said acts hereby repealed, either in their compensation, powers, duties or obligations, or in any other wise, for and during the terms of office for which said judges were severally elected.

Incumbents  
not affected  
by repeals.

SECTION 9. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 17, 1894.  
248G

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[House Bill No. 416.]

## AN ACT

To authorize and regulate electric railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That companies incorporated under section 3236 of the Revised Statutes of Ohio for such purpose may construct, maintain and operate electric street railroads, or street railroads urging [using] other than animal power as a motive power, for the transportation of passengers, packages, express matter, United States mail, baggage and freight upon the highways in this state outside of municipalities.

Construction,  
maintenance  
and operation  
of street rail-  
roads outside of  
municipalities.

SECTION 2. All such companies shall have power to occupy and use for their tracks, cars and necessary fixtures and appliances, the public highways outside of cities and villages with the consent of the public authorities in charge of or controlling such highways, and with the written consent of a majority, measured by the front foot, of the property-holders abutting on each of such highways.

Occupancy and  
use of public  
highways.

Appropriation  
of private prop-  
erty.

SECTION 3. When necessary to enter upon and use private property in the construction and operation of such roads, such companies shall have the same power of appropriation that railroad companies have.

Leases, pur-  
chases and  
traffic arrange-  
ments.

SECTION 4. Such companies shall have power to lease, purchase or make traffic arrangements with any other street railroad company as to so much of its tracks and other property as may be necessary or desirable to enable them to enter or pass through any city or village, upon the same terms and conditions applicable to other street railroads. And any existing street railroad company owning or operating a street railroad shall receive the cars, freight, packages or passengers of any other road, upon the same terms and conditions as they carry for the general public.

Consolidation

SECTION 5. Such street railroad companies may consolidate on the terms and conditions applicable to the consolidation of railroad companies; provided, however, no increase of fare shall be allowed on any street railroad route by reason of such consolidation.

Regulations and  
powers.

SECTION 6. Such companies shall be subject to the same regulations now provided for street railroads, in so far as the same are applicable, and shall have all the powers, in so far as they are applicable, that other street railroad companies have.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 17, 1894.

244G

[House Bill No. 992.]

## AN ACT

To amend section 1655a of the Revised Statutes of Ohio, as amended February 19, 1892.

Legislative  
power in  
municipalities:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1655a of title 12, of the Revised Statutes of Ohio, as amended February 19, 1892, be so amended as to read as follows:

Cincinnati  
board of legis-  
lation.

Sec. 1655a. In cities of the first grade of the first class, the legislative power and authority shall be vested in a board of legislation, which shall consist of as many members as there are wards in any such city, composed of one member from each ward of such city to be chosen at a municipal election by the qualified voters thereof, for a term of three years; provided, however, that no election shall be held for the election of said members of the board

of legislation in such city until the regular spring election to be held in April in the year 1897; and provided further, that the members of any such board heretofore elected shall continue to be members of such board until their successors are elected and qualified as herein provided; and thereafter at the expiration of said terms, all elections to such board shall be for a period of three years. Every member of such board shall be not less than twenty-five years of age, and shall have been a citizen of the state four years, and a resident of such city and ward for one year next preceding the date of his election. No member of said board shall be directly or indirectly interested in any contract with such city or any department or institution thereof, nor shall any such member during the term for which he is elected hold any other public office, appointment or employment except that of notary public or member of the state militia. Any member who shall at any time during his term cease to possess any of the qualifications mentioned in this section shall thereby forfeit his office, and the same shall immediately become vacant and be filled as hereinafter provided. Such vacancies shall be declared by the board, and in case the board shall fail for a period of ten days to declare such vacancy the mayor is hereby authorized and required to do so. All vacancies which may occur in the board of legislation from any cause whatsoever shall be filled for the unexpired term by election by a majority of all the members elected thereto. The members shall within ten (10) days after their election meet and organize the board, and the mayor, or in his absence the city clerk, shall call to order the members elected. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members. The board shall, annually, elect a president and vice-president from its own body, and shall, at the expiration of the term of the city clerk, also elect a city clerk, who shall be the clerk of the board and shall serve as hereinafter provided; but the board shall not have power to choose, select or appoint any other officer or employe whatsoever. The president shall, as soon as the board has organized, appoint a sergeant-at-arms, who shall serve for a term of three years and who shall perform the duties belonging to such office until his successor is appointed and qualified. The board shall determine the rules of its proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel any member for disorderly conduct or violation of its rules, or declare his seat vacant by reason of absence without valid excuse, where such absence is continued for the space of two successive months; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have opportunity of being heard in his defense. At any meeting of the board any member shall have the

Cincinnati  
board of legis-  
lation.

Cincinnati  
board of legis-  
lation.

right to call for the ayes and nays on any question before the board, including the motion for adjournment. The board shall assemble in the legislative chamber in regular meeting once each week, on such days as it may select. The mayor or any three members may call special meetings of the board by notice to each member, served personally or left at his usual place of residence or business. No meeting of the board shall begin before six o'clock P. M. unless it shall be otherwise provided by a vote of at least four-fifths of all the members elected to the board. Each member of the board who is present during the entire session of any regular meeting, and not otherwise, shall be entitled to receive ten dollars for his attendance, and shall receive no other compensation whatsoever. The votes of a majority of all the members elected to the board shall be necessary to pass any ordinance, resolution or order; and the vote on every ordinance, resolution or order relating to the expenditure of money, or for granting a franchise or creating a right, or for the purchase, lease, sale or transfer of property, shall be taken by aye and nay vote and entered in the journal of the board. Every such ordinance, resolution and order shall be distinctly read at three regular meetings before such vote is taken, and said board shall have no power to dispense with any of such readings, and every such ordinance, resolution, and order shall, before it takes effect, be presented, duly certified by the clerk to the mayor of the city for approval. The mayor, if he approves such ordinance, resolution or order, shall sign it; but if he does not approve it he shall return it with his objection to the board within ten days thereafter, or if the board is not in session, at its next meeting thereafter; which objection the board shall cause to be entered in full on its journal; provided, that the mayor may approve the whole or any item or part of any such ordinance, resolution or order presented to him for his signature; and, provided, further, that any item or part disapproved shall have no bearing or connection with any other part of such ordinance, resolution or order. If he does not return the same in the time above limited, it shall take effect in the same manner as if he had signed it. When the mayor refuses to sign any such ordinance, resolution or order, or part thereof, and return it to the board with his objections, the board shall, after the expiration of not less than ten days proceed to again consider the same; and if such ordinance, resolution or order is approved by the votes of four-fifths of all the members elected to the board it shall then take effect as if it had received the signature of the mayor. In all such cases the vote of the board shall be determined by ayes and nays, and the names of the persons voting for or against the adoption of any such ordinance, resolution or order shall be entered in the journal of the board.

SECTION 2. That said section 1655a as amended February 19th, 1892, is hereby repealed, and this act shall be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 17, 1894.  
2.5G

[House Bill No. 993.]

### AN ACT

To amend section 3897 of the Revised Statutes of Ohio, as amended March 21st, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3897 of the Revised Statutes of the state of Ohio, as amended March 21st, 1887, be so amended as to read as follows:

School districts:

Sec. 3897. In city districts of the first grade of the first class, the board of education shall consist of one member from each ward, and each member of the board shall be an elector of the ward, or of the township, or part of the township, which for school purposes, has been or may be attached to such ward, for which he is elected or appointed; provided, that in city districts of the first grade of the first class, beginning with the election of city officers to be held in April, 1897, one member shall be elected from each ward, or from territory attached to each ward, for school purposes, who shall serve for the term of three (3) years; and provided further that all members, clerks and assistant clerks of such boards heretofore elected, shall continue to be members, clerks and assistant clerks thereof until their successors are elected and qualified as herein provided; and thereafter as the term of members elected by said ward, or ward with territory attached for school purposes, as above provided, shall expire, successors shall be elected for the term of three years; and provided further that the clerks and assistant clerks of any such board shall be elected for the term of three (3) years. If any person elected a member of said board shall, during his term as said member, move out of the ward for which he was elected, then his term shall cease and determine, and said board shall elect a person to fill the vacancy; the members elected under this act shall hold office until their successors are elected and qualified; provided, that the board of education established by this act shall be in all respects the successors of the respective board whose place they take; but the members of such board of education shall not, as individuals or as local committees exercise supervisory authority over the schools in the several wards or districts, or have the selection or nom-

Board of education in city district of first grade, first class; election of members; term, etc.

Vacancy, how filled; term, etc.



Appointment  
and removal  
of teachers.

Election of  
member of  
board in new  
ward.

Repeals.

ination of teachers. The superintendent of the public schools of said city district of the first grade of the first class shall appoint all the teachers of said schools by and with the consent of the board of education, and the superintendent or board of education may remove for cause; and provided further, that when a new or additional ward shall be created in such city district, the board of education, shall proceed to elect a person who is an elector of such additional ward, or of territory thereto attached for school purposes, as a member of the board from such ward, to serve until the next election for members of the board of education, at which election the qualified electors of such new wards, and the territory annexed for school purposes, shall elect one judicious and competent person, having the qualifications of an elector of such ward or territory thereto attached for school purposes, to serve as a member of the board of education.

SECTION 2. That section 3897 of the Revised Statutes of the state of Ohio as amended March 21st, 1887, be and the same is hereby repealed; and all provisions of law in force when this act takes effect, which are inconsistent with any provision of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise, as to city districts of the first grade of the first class.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 17, 1894.  
246G

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[Senate Bill No. 45.]

## AN ACT

To repeal sections 5185 as amended February 26, 1880, 5186, 5187 and 5188 of the Revised Statutes of Ohio.

Struck Juries: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5189 of the Revised Statutes of the state of Ohio, as amended March 29, 1881, be amended to read as follows:

Repeals. SECTION 2. That sections 5185, 5186, 5187 and 5188 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
 247G

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[Senate Bill No. 188.]

## AN ACT

To amend section 15 of an act amendatory of an act relating to the conduct of elections in the state of Ohio, passed April 25, 1893 (O. L., vol. 90, p. 263).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 15 of an act passed April 25, 1893 (90, O. L., 263), entitled "An act to create a state supervisor of elections with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., vol. 89, p. 455), and to amend sections 1, 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 25, 36 and 37 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892 (O. L., vol. 89, p. 432), and to amend sections 1252, 2928, 2932, 2933, 2980, 2982, 2983, 2989, 2994, 2929, 2993, 2995 of the Revised Statutes of Ohio, and to amend an act entitled "An act to provide for the making of returns, canvassing the vote and certifying the election of certain officers elected at April and special elections," passed March 31, 1892 (O. L., vol. 89, p. 208), and to repeal certain sections and acts herein named be amended so as to read as follows: Elections:

Sec. 15. The printing provided for in this act, except poll-books and tally-sheets, shall be let by the deputy state supervisors or board of elections, to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county, but in case of special elections in townships, villages, and cities of the fourth grade of the second class, the deputy state supervisors or board of elections may give notice by mail addressed to all the printing-offices within the county, instead of publishing said notice. After the letting of the contract for the printing of the ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing Contracts for printing.

Submission of proof of ballot.

Sealing and  
delivery of  
ballots.

Ballots for April  
and other  
special elections  
in certain pre-  
cincts.

Repeals, etc.

thereon, a printed proof of the ballot to be printed for use at the election; the person to whom the contract for printing the tickets is let, shall, in the presence of the deputy state supervisors or board of elections, seal up securely in packages, one for each precinct in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such time as they may direct; provided, that in municipalities situated in two or more counties, the city clerk shall provide for the printing and distribution of the ballots. In election precincts composed of a township or a part thereof and a municipality or a part thereof, or in precincts composed of two or more townships or parts thereof, and a municipality or a part thereof, there shall be provided, for all April and special elections, separate ballots for each township, village, or city portion of such precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in the respective portions comprising such precinct, and likewise there shall be provided ballots for each school district portion of such precinct which shall contain the names of the candidates for members of the board of education for which electors residing in such precinct are entitled to vote. This last provision shall apply only where the school district is not coextensive with the boundaries of the municipality.

SECTION 2. That said section 15 of the said act passed April 25, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

248G

[Senate Bill No. 288.]

## AN ACT

To amend section 621 of the Revised Statutes.

Justices of the  
peace :

Fees of justices  
of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 621 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 621. Justices of the peace, for services rendered, shall be entitled to the following fees: For summons, for each defendant named in the writ, 25 cents; for order of arrests, capias, writ of attachment, writ of replevin, or mittimus, 40 cents; for each subpoena for one person, 25 cents; for each person in addition named in the subpoena, 5 cents; for venire for jury, 40 cents; for issuing execution, 40 cents;

for warrant in criminal cases, for each person named in the writ, 40 cents; for each search-warrant, 40 cents; for writ of restitution, 40 cents; for taking and certifying affidavits, 40 cents; for order on jailer for prisoner or prisoners, 40 cents; for entering a discontinuance or satisfaction, 20 cents; for entering bond or undertaking, by either party, 40 cents; for filing papers necessary to be preserved by justice, 5 cents each; for each recognizance of bail in civil causes, 40 cents; for bill of exceptions and copy, 15 cents for each one hundred words; for certifying the same, 25 cents; for transcript from docket, 15 cents per hundred words, and for certifying the same, 25 cents; for appointing guardian for minor to prosecute suit, 25 cents; for appointing special constables or appraisers, 40 cents each; for taking recognizance of a witness, 40 cents; for each additional witness, 10 cents; for each recognizance of bail in criminal causes, 40 cents; for each continuance or adjournment by either party, 20 cents; for entering a rule of reference or copy thereof, 15 cents; for swearing witnesses or arbitrators, 5 cents each; for entering judgment, 40 cents; for acknowledging deeds or other instruments of writing, with a certificate thereon, 40 cents; for sitting in the trial of any cause, civil or criminal, where a defense is interposed, whether tried to the justice or to a jury, one dollar; for judgment on the docket, 14 cents; for collections made upon judgments, the same fees as are allowed by section 622 of the Revised Statutes to constables for money made on execution; for taking deposition and certifying same, 10 cents per hundred words; for marrying and making return, \$2; for taking and certifying proof of any account or claim against the estate of testators or intestates, 25 cents; for each process required by law not herein named, 40 cents; for each writing or record not provided for, 15 cents per hundred words; and all justices of the peace and notaries public shall, upon request, administer and certify to all oaths required in procurement of bounties and pensions, and payment of pensions, and they shall be entitled to charge and [receive] for each oath so administered and certified, the sum of 10 cents.

SECTION 2. That said original section 621 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

[Senate Bill No. 326.]

## AN ACT

**Making appropriations to pay members of the field, staff and hospital corps, of the 3d infantry, O. N. G., company "B" 3d infantry; battery "E" 1st artillery; company "A" 9th battalion O. N. G., for per diem and subsistence, when called into service by the mayor of Springfield, Clark county, Ohio, to act in aid of the civil authorities.**

Appropriations  
for Ohio  
national guard.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of twenty-eight dollars and fifty cents (\$28.50), to pay the members of the field, staff and hospital corps of the 3d infantry, O. N. G.; also the sum of fifty-five dollars (\$55), to pay the officers and enlisted men of company "B" 3d infantry, O. N. G.; also the sum of seventy-eight dollars (\$78), to pay the officers and enlisted men of battery "E" 1st artillery, O. N. G.; also the sum of fifty-two dollars and fifty cents (\$52.50), to pay the officers and enlisted men of company "A" 9th battalion, O. N. G., for per diem and subsistence, when called into service by the mayor of Springfield, Clark county, Ohio, to act in aid of the civil authorities, February 19, 1894.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

250G

[Senate Bill No. 362.]

## AN ACT

To amend section 3281 of the Revised Statutes of Ohio.

Railroads:

Appropriation  
of land by  
railroad or  
municipal  
corporation.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 3281 of the Revised Statutes of Ohio be amended to read as follows:

**Sec. 3281.** A company or a municipal corporation which may own or operate a railroad may enter upon any land for the purpose of examining and surveying its railroad line, and appropriate so much thereof as may be deemed necessary for its railroad including necessary side-tracks, depots, workshops, round-houses, and water-stations, material for construction, except timber, a right of way over adjacent lands sufficient to enable it to construct and repair its road and the right to conduct water by aqueducts and to make proper drains; but no appropriation of private

property to the use of a company or a municipal corporation which owns or operates a railroad shall be made until full compensation therefor is made in money or secured by deposit of money to the owner irrespective of any benefit from any improvement proposed by the company or such municipal corporation as prescribed by law.

SECTION 2. That original section 3281 is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
251G

[Senate Bill No. 368.]

### AN ACT

To provide for the payment of the expense of Hon. D. H. Gaumer, contestor, and Hon. George Iden, contestee in the Gaumer and Iden contest for the office of state senator.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be paid Hon. D. H. Gaumer the sum of seven hundred and seventy-four dollars and ninety-three cents (\$774.93), and to George Iden the sum of seven hundred and twenty-three dollars (\$723), out of any funds in the treasury not otherwise appropriated, for the purpose of defraying the costs of the aforesaid D. H. Gaumer and George Iden, in the contested election case of Gaumer against Iden for state senator, and the auditor of state is hereby directed to draw his warrant on the treasurer of state in favor of said Gaumer and Iden for the said amounts. Appropriations  
for D. H.  
Gaumer and  
George Iden.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
252G

[Senate Bill No. 378.]

### AN ACT

To authorize the adjutant-general to contract for a bronze statue of ex-president Hayes.

SECTION 1. *Be it enacted by the General Assembly*

Bronze statue of  
ex-president  
Hayes.

*of the State of Ohio*, That the adjutant-general of the state of Ohio is hereby authorized to contract for and have placed among the bronze statuary of statesmen and soldiers constructed as a memorial design for Ohio at the world's Columbian exposition, a figure of ex-president Rutherford B. Hayes, of similar style and material to those heretofore constructed; the total cost of said figure to be not more than five thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
258G

[Senate Bill No. 400.]

## AN ACT

To amend section 2680 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2680 of the Revised Statutes of Ohio, as amended March 1, 1892, be and the same is amended as follows:

Law libraries:  
Appropriation  
of certain fines  
and penalties to  
use of libraries.

Sec. 2680. All fines and penalties which are assessed and collected by the police court for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by the county commissioners to the judges, clerk and prosecuting attorney of such court, in state cases, which shall be retained by the clerk, shall be paid by the clerk quarterly to the trustees of such law library associations mentioned in the next two preceding sections, except those in cities of the first grade of the first class, to be expended in the purchase of law books and the maintenance of such association; but the sums so paid shall not be less than five hundred dollars per annum, if there be such an amount. And all justices of the peace of such county, and all officers of townships, villages and cities therein shall have the same free use of the books of such library receiving such fines and penalties as the judges and county officers; and the trustees of such associations shall, on the first Monday of each year, make a detailed statement to the auditor of the county, verified by the oath of the treasurer of the association, of the amount of the fines and penalties so received, and of the money expended by the association. In cities of the first grade of the first class, all fines and penalties which are or have been assessed and collected by the police court for offenses prosecuted in the name of the state, shall be disposed of as directed by sections 1807 and 1812 of the Revised Statutes of Ohio, and the

Cincinnati.

clerk of the police court, in cities of the first grade of the first class, shall be relieved of all responsibility and liability for any such fines and penalties assessed and collected that have been or may be paid over to the county auditor as directed by sections 1807 and 1812 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section 2680, as amended March 1, 1892, shall be and the same is hereby repealed. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
254G

[Senate Bill No. 406.]

### AN ACT

To amend section 3324 of the Revised Statutes of Ohio, as amended April 8, 1891 (O. L., vol. 88, page 295).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3324, as amended April 8, 1891, be so amended as to read as follows:

Sec. 3324. A company or person having control or management of a railroad shall construct, or cause to be constructed, and maintain in good repair on each side of such road, along the line of the lands of the company owning or operating the same, a fence sufficient to turn stock; and when such fence is constructed out of barbed wire, or separate lateral strands not connected by interwoven wire, or cross perpendicular wire not more than fifteen inches apart, there shall be securely fastened to the posts, at the top of the same, at right angles thereto, at least one board, not less than one and one-eighth inches thick and five inches wide, and extending the entire length thereof; and before operating such road shall cause to be maintained at every point where any public road, street, lane or highway used by the public, crosses such railroad, safe and sufficient crossings, and on each side of such crossings cattle-guards sufficient to prevent domestic animals from going upon such railroad; and such company or person shall be liable for all damages sustained in person or property in any manner by reason of the want or insufficiency of any such fence, crossing or cattle-guard, or any neglect or carelessness in the construction thereof, or in keeping the same in repair. That provided, where any road now in process of construction, or any proposed road, passes through any inclosed land, that the company or person having control of any such road shall, during the construction of the same, provide suitable crossings

Railroad companies:

Railroad companies must construct fences, crossings and cattle-guards.



When owner of land may construct at expense of the railroad.

for the owner or occupant of each farm, and make and keep in repair fences along the line of such road through such inclosed fields, and protect any crops growing thereon; and further provided, that where the company or person agrees, with the owner of the lands through which any railroad passes, that said owner shall build and keep in repair any portion of the fencing, and should said fencing be destroyed or damaged by fire from passing trains, said company or person owning or operating such road shall rebuild or repair said fence, provided the property-holder should demand it; and provided, that if any railroad company shall fail or refuse to construct any fence in the manner hereinbefore provided, within six months after the passage of this act, and after having received written notice so to do from the owner or occupant of any lands through which the road may pass, [that] then said owner or occupant may, after thirty days from the time of serving such notice upon the agent of such company nearest said lands, proceed to construct the same, and the company shall be liable to such person for the cost thereof. This act shall apply to all fences now built, as well as those hereafter constructed.

Repeals, etc.

SECTION 2. That said section 3824, as amended April 8, 1891, is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
255G

[ House Bill No. 290. ]

## AN ACT

To amend section 5201 of the Revised Statutes.

Trial by jury, and verdict:

Rendering, filing and entering of general or special verdict or special finding.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5201 of the Revised Statutes be amended to read as follows:

Sec. 5201. In all actions the jury, unless otherwise directed by the court, may, in its discretion, render either a general or a special verdict; but the court shall, at the request of either party, direct them to give a special verdict in writing upon all or any of the issues, and in all cases, when requested by either party, the court shall instruct the jurors, if they render a general verdict, to find specially upon particular questions of fact, to be stated in writing, and shall direct a written finding thereon, and the verdict and finding must be filed with the clerk and entered on the journal.

SECTION 2. Said section 5201 is hereby repealed, and this act shall take effect on and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
256G

[House Bill No. 313.]

### AN ACT

To amend section 4983 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4983 of the Revised Statutes of Ohio be amended so as to read as follows:

Time of commencement of actions :

Sec. 4983. Within one year: An action for libel, slander, assault, battery, malicious prosecution, false imprisonment or malpractice. An action upon a statute for a penalty or forfeiture; but where a different limitation is prescribed in the statute by which the remedy is given, the action may be brought within the period so limited.

Within one year.

SECTION 2. That section 4983 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
257G

[House Bill No. 361.]

### AN ACT

To amend section 2484 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2484 of the Revised Statutes be amended so as to read as follows:

Gas companies:

Sec. 2484. The council of any corporation in which gas-works may be constructed may provide, by ordinance, for the appointment of an officer, to be known as inspector of gas, whose duty it shall be to inspect all gas and gas-meters, and certify the correctness of all bills against consumers of gas, make photometric tests, and perform such other duties as may be prescribed by ordinance; and the council shall fix his compensation. The council may also provide

Gas inspector ;  
appointment,  
duties and compensation.

Inspection and  
testing of electric  
meters.

for the inspection and testing of meters used for measuring electric current for electric light, power or other purposes, furnished by any individual or company within the corporation, and may prescribe a suitable charge for such inspection and testing, and the manner of collecting the same.

Repeals.

SECTION 2. Said original section 2484 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
258G

[House Bill No. 380.]

## AN ACT

Defining a house of ill fame, providing a penalty for the sale of intoxicating liquors therein, and prescribing how such penalty may be recovered.

House of ill  
fame defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a building or place generally reputed in the neighborhood where the same is located, to be a building or place where persons of opposite sex meet for the purpose of prostitution is hereby declared to be a house of ill fame.

Unlawful to sell  
or give away  
intoxicating  
liquors in  
houses of  
ill fame.

SECTION 2. It shall be unlawful for any person to sell or give away, in any house of ill fame as defined in section one of this act, any spirituous, malt, vinous or other intoxicating liquor or liquors, and the selling or giving away in any part of such building or place or in any shed or addition thereto, or in any other buildings or structure standing on the lot of land upon which such house of ill fame is situated, or upon premises adjacent thereto, and which is in the control of the person or persons having the control of such house of ill fame, shall be deemed to be unlawful within the meaning of the provisions of this act.

Penalty.

SECTION 3. Any person who shall sell or give away any spirituous, malt, vinous or other intoxicating liquor or liquors, as aforesaid, in any building or place in which the selling or giving away thereof is declared to be unlawful by the preceding section, shall be liable to a penalty in the sum of three hundred and fifty (\$350) dollars, to be recovered in a civil action in the court of common pleas of the county in which the cause of action shall arise, as herein-after provided; and any judgment rendered against any person or persons for a violation of the provisions of this act shall be a lien upon the building in which such liquor or liquors are shown to have been sold or given away, and

upon the lot or tract of land upon which such building or place is situated.

SECTION 4. In any action for a recovery of the penalty provided for in this act, the state of Ohio shall be named as plaintiff and the person or persons alleged to have sold or given away such intoxicating liquor or liquors in such house of ill fame, together with the person or persons owning the building or place in which such intoxicating liquor or liquors are alleged to have been unlawfully sold or given away, shall be made defendants; and in all respects, except as otherwise provided in this act, any such action shall be begun and prosecuted in the same manner as other civil actions triable by jury.

Action to enforce penalty; parties defendant, etc.

SECTION 5. Each separate unlawful act of selling or giving away any such intoxicating liquor or liquors in a house of ill fame shall constitute a separate cause of action, and the selling or giving away of any such intoxicating liquor or liquors by any servant or employe of the proprietor or proprietress of such house of ill fame, or by any other person with the knowledge of such proprietor or proprietress, or both, shall constitute a cause of action against such proprietor or proprietress, as well as against such servant or employe or such other person.

Cause of action defined.

SECTION 6. Any person resident of the county may cause a petition to be filed and an action to be begun for the recovery of the penalty provided for in this act, and the person causing such petition to be filed may verify the same as provided for the verification of petitions in other cases.

Petition.

SECTION 7. Upon the trial for the recovery of the penalty or of penalties under the provisions of this act, it shall not be necessary to prove any overt act of prostitution in the building or place alleged in the petition to be a house of ill fame, but it shall be sufficient to show that such building or place is generally reputed in the neighborhood where the same is located, to be a building or place where persons of opposite sex meet for the purpose of prostitution.

Proof in trial for recovery of penalty.

SECTION 8. One-third of the amount of the recovery in any action brought under the provisions of this act may be retained by the person causing such action to be begun and prosecuted, and the balance thereof shall be paid into the county treasury, and placed to the credit of the county fund of the county in which such suit is begun.

Distribution of amount recovered.

SECTION 9. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

259G

[House Bill No. 423.]

## AN ACT

To amend section 1061, Revised Statutes of Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 1061 be amended so as to read as follows:

**County sealer may appoint deputy.**

**Deputy sealers in counties containing cities third grade, first class.**

**Compensation of deputy sealer.**

**Penalty for refusal to have weights or measures examined or sealed.**

**Weights and measures not in conformity with standards may be confiscated.**

**Jurisdiction and powers of deputy sealers.**

Sec. 1061. Every county sealer of weights and measures may appoint by writing under his hand and seal a deputy, who shall compare weights and measures brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer and who shall receive for the performance of that duty, the compensation in each case provided by law, provided however that every county sealer of weights and measures, in counties containing a city of the first class third grade shall appoint by writing, under his hand and seal, a deputy, who shall compare the weights and measures used in his county, by merchants, dealers or others in purchases or sales and not within the limits of any municipal corporation which has a legally qualified sealer of weights and measures whose duty it is to examine and seal weights and measures used within such corporation with the copies of the original standard in the possession of the county sealer, at least once in every year, and who shall receive for the performance of such duty the compensation in each case provided by law for sealers or deputy sealers to be paid by the owner or user of the weights and measure so examined or sealed when such duty is performed. Any such person who refuses to allow the deputy sealer of weights and measures to examine or seal any weights or measures so used by him, shall, upon complaint of said deputy sealer, and upon conviction by any court of competent jurisdiction, be fined not less than ten dollars nor more than fifty dollars, and the cost of prosecution, as the court may direct. If the deputy sealer finds upon comparing the weights or measures used by any such person with the copies of the standards of weights and measures in possession of the county sealer, that such weights or measures are not in conformity with said standards, the deputy sealer shall notify such person of such fact and demand that such weights or measures be made to conform with the said standards, and if such person does not comply with the demand within ten days, the deputy sealer shall confiscate such weights or measures and destroy the same. The deputy sealer shall have power to examine any weights or measures used in his county by merchants, dealers, or others in purchases or sales, outside such aforesaid municipal corporations at any time, for the purpose of discovering if the law is being violated, but shall not charge for such examinations more than once each year.

SECTION 2. That said original section 1061 of the Revised Statutes is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
260G

[House Bill No. 479.]

### AN ACT

To amend section 1209a of the Revised Statutes of Ohio, as amended March 31, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1209a of the Revised Statutes, as amended March 31, 1892, be amended so as to read as follows :

Sheriff and  
coroner :

Sec. 1209a. The coroner in all counties having a city of the first grade of the first class may appoint a clerk at a salary not to exceed twelve hundred (\$1,200) dollars per annum, and the coroner in all counties having a city of the first class of the second grade may appoint a deputy coroner, who shall have full power to do and perform all duties imposed by law upon the coroner of said county in his absence, at a salary not to exceed fifteen hundred dollars per annum, and whose term of office shall expire with the term of the appointing coroner; and the auditor of the county is authorized to draw his warrant on the county treasurer therefor, who shall pay the same out of any fund not otherwise appropriated.

Coroner's clerk.

Deputy coroner  
in Cuyahoga  
county.

SECTION 2. Said section 1209a of the Revised Statutes, as amended March 31, 1892, is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
261G

[House Bill No. 600.]

### AN ACT

To amend section 448 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 448 of the Revised Statutes be so amended as to read as follows: Circuit court :

Order and disposition of cases on circuit court docket; precedence of certain cases.

Sec. 448. All cases brought in or taken to the circuit court shall be entered on the docket in the order in which they are commenced, received or filed, and they shall be taken up and disposed of in the same order, unless for good cause shown the court otherwise direct; but cases where persons seeking relief are imprisoned or have been convicted of a felony; cases involving the validity of any tax levied or assessment made, or the power to make such levy or assessment; cases involving the construction or constitutionality of a statute or any question of practice, where the questions arising are of general public interest; and proceedings in quo warranto, mandamus, habeas corpus, or procedendo; and cases when the relief sought is damages for personal injury, or for death caused by negligence, and the person injured makes affidavit that he is, or in case of death, the widow, or any next of kin of the deceased, makes an affidavit that they are dependent for their livelihood upon their daily labor, may be taken up in advance of their assignment or order on the docket; and when a case is dismissed or otherwise disposed of, and again comes into court, it shall be taken up as if it had retained its original place on the docket.

Repeals.

SECTION 2. That section 448 be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
262G

[House Bill No. 609.]

## AN ACT

To amend section 3244 of the Revised Statutes.

Creation of corporations:

Certificate of subscription to stock, and notice of election of directors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3244 of the Revised Statutes be amended so as to read as follows:

Sec. 3244. As soon as ten per cent. of the capital stock is subscribed, the subscribers of the articles of incorporation, or a majority of them, shall so certify, in writing, to the secretary of state, and thereupon shall give notice to the stockholders, as provided in section three thousand two hundred and forty-two, to meet at such time and place as they may designate, for the purpose of choosing not less than five nor more than fifteen directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified;

provided, that in case all subscribers are present in person, or by proxy, such notice may be waived in writing, and the incorporators of the company shall be liable to any person affected thereby, to the amount of any deficiency in the actual payment of said ten per cent., at the time of so certifying. (77 O. L., 266, S. & C., 276.)

SECTION 2. That said original section 3244 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
263G

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[House Bill No. 640.]

### AN ACT

To enlarge the duties of the canal commission, and supplementary to "An act to provide for a commission, etc.," passed and took effect March 28, 1888 (O. L., vol. 85, p. 127), and an act supplementary thereto, passed and took effect April 18, 1890 (O. L., vol. 87, p. 219).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the canal commission be and they are hereby authorized and required to collect together all memoranda, papers, documents, reports, maps, plats and records now in the office of the governor of the state, secretary of state, auditor of state, board of public works and canal commission, in any wise appertaining to the title to any real estate that formerly belonged to the state, or is now owned or claimed by the state, either by cession from the United States for canal purposes or by purchase or appropriation by the state for said purpose under the laws of the state.

Enlarging  
powers and  
duties of canal  
commission.

SECTION 2. That when so collected together, said papers, plats, etc., shall be carefully recorded in books to be furnished for that purpose in chronological order, as near as may be, and a full and complete index thereof made, showing the references to all such real estate by counties, townships and ranges, and in such other manner as will clearly and definitely identify the same. Said original papers, plats, etc., shall be carefully preserved in suitable wrappers or file-boxes properly marked, indorsed and filed away in the office of the board of public works and land department of the auditor of state's office, and upon any trial in any of the courts of this state a certified copy of any of said papers, records, plats, etc., duly certified to by the president or secretary of the board of public works

Record of plats  
papers, etc., re-  
lating to  
title to property  
to be recorded  
and preserved



or the auditor of state, which may in any manner relate to or have any bearing upon the subject matter at issue, shall be taken and held to be prima facie evidence of said records, plats, papers, etc.

Clerk of commission; compensation, etc.

SECTION 3. That for the purposes aforesaid, said canal commission are hereby authorized and required to employ some suitable, competent person at a compensation not exceeding five dollars per day for the time actually employed; but the total expense of said collecting and abstracting shall not exceed the sum of one thousand dollars. Said canal commission shall provide for said clerk all necessary desk-room, stationery, etc., in the offices aforesaid, to enable him to properly discharge his duties, all of said work to be done and performed under the direction and supervision of said canal commission. And said work shall be completed before the first day of January, 1896.

Record affecting title to property to be recorded in counties where situate.

SECTION 4. As soon as said papers and records are so collected and gathered together, recorded, filed and indexed as aforesaid, said canal commission shall cause all that portion of said record, in any manner affecting the title of said real estate, to be carefully copied by counties in alphabetical order, and when so copied the same shall be duly certified to the recorders of the respective counties, who shall thereupon proceed forthwith to record and index said copied records in like manner as other deeds and evidences of title, for which service they shall receive the same compensation as provided by law for similar services out of the funds appropriated for said purpose to the canal commission; and there is hereby appropriated the sum of two thousand dollars (\$2,000), or so much thereof as will be necessary to complete said records and pay for recording the same in the respective counties as aforesaid, out of any money paid into the state treasury by said canal commission from the sale or lease of lands belonging to the state of Ohio; and no part of said sum hereby appropriated shall be used for any other purpose except as herein provided, and all requests to the board of public works for a certified copy of any records shall be accompanied by a fee, such as is allowed in other like cases, and all such fees shall be turned into the state treasury.

Compensation of county recorders; appropriation.

Copies of record must be paid for; disposition of fees.

SECTION 5. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

264G

[House Bill No. 701.]

AN ACT

To amend section 5437 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5437 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 5437. On petition of executors or administrators to sell, to pay debts, the lands of a decedent who has left a widow, or a minor child, unmarried, and composing part of the decedent's family at the time of his death, the appraisers shall proceed to set apart a homestead as provided in the next section, and the same shall, except as otherwise provided in section 6155 of the Revised Statutes, remain exempt from sale on execution, and exempt from sale under any order of the court so long as the widow, if she remain unmarried, or any unmarried minor child of said decedent resides thereon; provided, that in all cases where the homestead has been or shall be sold to pay any lien which precludes the allowance of a homestead, the residue of the proceeds, not exceeding five hundred dollars, shall be paid to the widow, or in case there be no widow, to the minor child, unmarried, in lieu of a homestead, on her or said minor child's application, in person, or by agent, attorney or guardian.

Exemptions from execution:

Homestead for decedent's family.

Money consideration in lieu of homestead.

SECTION 2. Original section 5437, Revised Statutes, as amended January 22, 1889, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
265G

[House Bill No. 851.]

AN ACT

To amend section 3893 of the Revised Statutes of Ohio, as amended March 8, 1892, as amended March 23, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3893 of the Revised Statutes of Ohio, as amended March 8, 1892, as amended March 23, 1893, be amended so as to read as follows:

Sec. 3893. A part or the whole of any district may be transferred to an adjoining district, by the mutual consent of the boards of education having control of such districts; but no transfer shall take effect until a statement, or map, showing the boundaries of the territory transferred,

Schools:

Transfer of territory from one school district to another.

is upon the records of such boards; nor, except when the transfer is for the purpose of forming a joint subdistrict, until a copy of such statement or map, certified by the clerks of the boards making the transfer, is filed with the auditor of the county in which the territory so transferred is situated; and any person living in the territory so transferred may appeal to the county commissioners, as provided in section thirty-nine hundred and sixty-seven, and the commissioners, at their first regular meeting thereafter, shall approve or vacate such transfer; provided, however, that when a village or a portion of a village, township, or special school district has been attached to and become a part of an adjoining city or village by annexation, the portion of such village, township, or special school district thus annexed to such city or village shall be deemed to be thereby transferred from such village school district, township, or special school district into such city or village school district, and the amount of the existing school indebtedness of such village school district, township school district, or special school district, shall be ascertained and apportioned by the county commissioners in the same manner as provided in section sixteen hundred and fifteen; and the county auditor, in the proper apportionment of the school tax for the respective school districts, shall be governed by an accurate map of the territory so annexed as aforesaid; and the boards of education of the respective school districts shall, immediately after the passage of this act, cause to be entered upon the records of their respective boards a complete and correct description of the territory so annexed.

Duties of  
county commissioners and  
auditor.

Repeals, etc.

SECTION 2. That section 3893 of the Revised Statutes of Ohio, as amended March 23, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
266G

[House Bill No. 886.]

## AN ACT

To supplement section 3806 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3806 of the Revised Statutes be further supplemented with sectional numbering as follows:

Savings and  
loan associations.

Sec. 38063. In cities of the first and third grades of the first class and the first and second grades of the second class, a company organized under the general incorporation laws of the state for the purposes and in accordance with the provisions of this chapter, and which also states in its articles of incorporation that it is organized for the purpose of making loans secured by mortgage of personal property, and which shall display in its place of business, a notice that it loans money upon chattel mortgage, shall have power to invest its funds in loans not greater than one thousand dollars each, upon mortgage of personal property not exceeding fifty per cent. of the value thereof. And upon such loans such company may charge and collect a rate of interest not exceeding one and one-half per cent. per month, and shall charge no commission, and not more than seventy-five cents for preparing a mortgage or contract, and the actual legal expenses of filing or recording the same, and such charge as may be agreed upon in written contract between the parties for inspection of property mortgaged, and indemnity against loss by fire when insurance is not made by mortgagor. And if any greater charge is made than is herein authorized such company shall forfeit the whole amount of interest. Such company shall have power to borrow money upon its certificates of indebtedness, but not exceeding the amount of its paid capital, and at interest not exceeding legal rates. The capital stock shall not be less than fifty thousand dollars, provided, that a company organized in pursuance hereof may commence business when fifteen thousand dollars of capital are actually paid in.

Powers of associations loaning money on chattel mortgage in certain cities.

Capital such associations must have.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

267G

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[House Bill No. 890.]

### AN ACT

To authorize the election of one additional judge of the court of common pleas in Cuyahoga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be elected in Cuyahoga county, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the common pleas court; at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1894, and every five

Additional judge of court of common pleas in the fourth judicial district; election, term, jurisdiction, etc.

years thereafter, one judge of the court of common pleas for the fourth judicial district, in addition to the number heretofore provided by law for said district. Said additional judge shall reside in Cuyahoga county, and shall be elected for the term of five years. His first term shall begin on the first Monday of December following his election. He shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas; and shall receive the same compensation as is now provided by law for other judges of the court of common pleas residing in Cuyahoga county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
268G

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[House Bill No. 1067.]

## AN ACT

Making appropriations to pay the members of company "B" 8th infantry and battery "F" 1st light artillery O. N. G., for per diem and subsistence, when called into service by the mayor of Akron to act in aid of the civil authority.

Appropriation  
for Ohio  
national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of eighteen hundred and six dollars and ninety-six cents, to pay the officers and enlisted men of company "B" 8th infantry and battery "F" 1st light artillery Ohio national guard for per diem and subsistence when called into service by the mayor of Akron May 9th to May 14th, both days inclusive, to act in aid of the civil authority.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
269G

[Senate Bill No. 313.]

## AN ACT

To provide against the evils resulting from the traffic in cigarettes, cigarette-wrappers, and packages containing the same, and to prevent the sale of the same, cigars and tobacco to minors as therein provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the wholesale business of trafficking in cigarettes or cigarette-wrappers, or any substitute for either, there shall be assessed annually, and shall be paid into the county treasury as hereinafter provided, by each person, firm, company, corporation or copartnership engaged therein, for each place where such business is carried on by or for such person, firm, company, corporation or copartnership, the sum of thirty dollars (\$30).

Annual tax upon wholesale business of trafficking in cigarettes or cigarette-wrappers or substitutes for either.

SECTION 2. That upon the retail business of trafficking in cigarettes or cigarette-wrappers, or any substitute for either, there shall be assessed annually, and shall be paid into the county treasury as hereinafter provided, by each person, firm, company, corporation or copartnership engaged therein, for each place where such business is carried on by or for such person, firm, company, corporation or copartnership, the sum of fifteen dollars (\$15).

Annual tax upon retail business.

SECTION 3. That said assessments provided for in sections 1 and 2 of this act shall be paid by every person, firm, company, corporation, or copartnership engaged in the business of trafficking in cigarettes or cigarette-wrappers, or any substitute for either, whether at wholesale or at retail, on or before the twentieth day of June of each year; provided, that when any such business shall be commenced in any year after the fourth Monday of May, said assessments shall be proportionate in amount to the remainder of the assessment year, except that it shall in no case be less than one-fifth of the whole amount to be assessed in any one year; provided further, that when any person, firm, company, corporation or copartnership engaged in such business, which has been assessed as aforesaid, and which has been paid or is charged upon the tax duplicate with the full amount of said assessment, discontinues such business, the county auditor, upon being satisfied of the fact, shall issue to such person, firm, company, corporation or copartnership a refunding order for a proportionate amount of such assessment, except that it shall in no case be less than one-fifth of the whole amount to be assessed in any one year.

Time for payment of tax.

Tax for part of year.

Refunding order.

SECTION 4. That every assessor shall return to the county auditor, with his other returns, a statement upon a blank, to be furnished by such auditor for that purpose, of every place in his jurisdiction where such business is conducted, showing the name of the person, firm, company, corporation or copartnership engaged therein, a brief and accurate description of the premises where the same is conducted, and by whom owned; said statement shall be signed

Assessors' returns.

When tax to be quadrupled; return to county auditor.

Compensation of informer.

Display of receipt for tax.

Penalty for non-compliance.

Penalty for selling etc., cigarettes or substitutes containing deleterious substances.

and verified to such assessor by such person, firm, company, corporation or copartnership. If such person, firm, company, corporation or copartnership shall fail or refuse to furnish the requisite information for such statement, or to sign or verify the same, such fact shall be returned by the assessor, and thereupon such assessment on such business shall be four times the amount provided in section 1 or 2, as the case may be. Provided, however, that any such person, firm, company, corporation or copartnership, entering into such business after the assessor has made his returns for any year, shall, before entering into such business, make the return herein required, to the county auditor; and failing to do so before entering into such business, such assessment on such business shall be four times the amount provided in sections 1, 2 and 3 of this act, and any person who shall furnish the information to the county auditor upon which the tax is recovered against any person, firm, company, corporation or copartnership for selling, exchanging or disposing of any cigarettes or cigarette-wrappers, or attempting to do so, without first having paid the assessments provided in sections 1, 2 and 3 of this act, shall be entitled to one-half of the assessment and penalty so recovered in any case.

**SECTION 5.** Every person, firm, company, corporation or copartnership engaged in the business of trafficking in cigarettes or cigarette-wrappers, or any substitute for either, shall cause to be posted and constantly displayed in a conspicuous place in the building or buildings where such business is carried on, a receipt signed by the county treasurer, showing that the amount of the assessment required by the provisions of this act has been paid into the treasury of the county where such business is located. And any person, firm, company, corporation or copartnership selling or offering to sell cigarettes or cigarette-wrappers, or any substitute for either, without first complying with the provisions of this act, and continuing to keep such receipt signed by the county treasurer constantly displayed in a conspicuous place in the building or buildings where such business is carried on, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined in any sum not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), and for each subsequent offense shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), and shall stand committed to the jail of the county until such fine and costs are paid.

**SECTION 6.** That any person, firm, company, corporation or copartnership who shall sell, exchange or give away, or offer to sell, exchange or give away any cigarettes, or any substitute therefor, containing any substance foreign to tobacco and deleterious to health, shall be deemed guilty of a misdemeanor, and the person, whether as principal or agent, making any such sale, exchange or giving away, or offering

to sell, exchange or give away any such cigarettes, or any substitute therefor, containing any substance foreign to tobacco and deleterious to health, upon conviction thereof shall be fined in any sum not less than ten dollars (\$10) nor more than fifty dollars (\$50), and shall stand committed to the county jail of the county until such fine and costs are paid.

SECTION 7. That no person shall sell, exchange or dispose of any cigarettes, or attempt to do so, upon any representation, advertisement, notice or inducement that any photograph, lithograph or picture, or anything other than what is specifically stated to be the subject of the sale or exchange is, or is to be delivered or received, or in any way connected with, or a part of the transaction, as a gift, prize, premium or reward. Nor shall any person sell, exchange or dispose of any package, box or bundle of cigarettes containing any photograph, lithograph, picture, coupon or anything other than such cigarettes, in any such package, box or bundle, except it be the usual label or trade-mark of the manufacturer. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), and shall stand committed to the jail of the county until such fine and costs are paid.

Penalty for offering inducements with cigarettes.

SECTION 8. That whoever sells, gives or furnishes to any minor under sixteen years of age any cigarettes, cigars or tobacco, shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days, or both.

Penalty for selling or giving cigarettes, cigars or tobacco to minors

SECTION 9. In case of conviction for the violation of any of the provisions of sections 5, 6, 7, 8 or 9 of this act, the person furnishing the information upon which a conviction results, shall be paid one-half of the fine collected in any case.

Compensation of informer.

SECTION 10. That the revenues and fines resulting under the provisions of this act shall be distributed as follows, to wit: In every county, one-half of the money paid, as herein provided, into the county treasury on account of any business aforesaid carried on in any city, village, hamlet or township therein, shall be placed to the credit of the general revenue fund of the state, and be paid into the state treasury by the county treasurers, as is provided in other cases; one-fourth of the money so paid shall, upon the warrant of the county auditor, be paid on account of any business aforesaid carried on in any such municipal corporation, into the treasury of such corporation to the credit of the police fund thereof; provided, in corporations having no police fund, the entire one-fourth shall pass to the credit of the general revenue fund thereof; the remaining one-fourth part thereof, together with all other revenues resulting hereunder in said county, shall be passed to the credit of the poor fund of such county; provided, that in all counties in which there is no

Distribution of tax and penalties.



Hamilton  
county.

county infirmary, said remaining one-fourth part thereof shall be passed to the credit of the infirmary fund or poor fund of the township, village or city in which the same shall have been collected; and in such counties where the money is paid on account of any business carried on in any township outside of any such municipal corporation, the said two-fourths shall be passed to the credit of the infirmary fund or the poor fund of said township; and provided, that in counties having a city of the first grade of the first class, with a city infirmary, the one-fourth part herein otherwise apportioned to the poor fund of the county, shall be divided between the city and county infirmary funds, in the proportion of the revenues received from the city to the revenue from the county outside the city.

Provisions of  
certain sections  
made appli-  
cable.

SECTION 11. That the provisions of sections 8092—11, 8092—13, and 8092—14 of the Revised Statutes of Ohio are hereby extended and made applicable to the provisions of this act, so far as they can apply.

Repeals, etc.

SECTION 12. The act passed April 24, 1893, entitled "An act to tax the business of trafficking in cigarettes or cigarette-wrappers," and the act passed April 10, 1888, entitled "An act to prohibit the sale of cigarettes and tobacco to minors," are hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 18, 1894.  
270G

[House Bill No. 471.]

## AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1895, and the first quarter of the fiscal year ending February 15, 1896.

General appro-  
priations for  
1895 and 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 16, 1895, to wit:

### *Adjutant-General's Department.*

Salary of adjutant-general, two thousand dollars (\$2,000).

Salary of assistant adjutant-general, fifteen hundred dollars (\$1,500).

Salary of chief clerk, fourteen hundred dollars (\$1,400).

Salary of five clerks, six thousand dollars (\$6,000).

Salary of superintendent of state arsenal and book-keeper, fifteen hundred dollars (\$1,500).

General appro-  
priations for  
1895 and 1896.

Contingent expense and inspection, two thousand dollars (\$2,000).

Expense of publishing roster, Ohio troops, eight thousand dollars (\$8,000).

Shipping rosters, six hundred dollars (\$600).

Transportation indigent soldiers, two hundred and fifty dollars (\$250).

Desk, one hundred dollars (\$100).

Flags for state-house, seventy-five dollars (\$75).

To adjutant-general for services in settlement of armory rents, five hundred dollars (\$500).

#### *State-House and Grounds.*

Salary of superintendent of laborers, nine hundred dollars (\$900).

Salary of engineer, one thousand dollars (\$1,000).

Salary of two firemen, nine hundred dollars (\$900).

Salary of visitors' attendant, seven hundred and twenty dollars (\$720).

Salary of janitor flag-room, seven hundred and twenty dollars (\$720).

Salary of day-policeman, seven hundred and twenty dollars (\$720).

Salary of night-policeman, eight hundred dollars (\$800).

Salary of four regular laborers, twenty-five hundred and four dollars (\$2,504).

Extra labor, one thousand dollars (\$1,000).

Fuel for state-house, eighteen hundred dollars (\$1,800).

Material and repairs, one thousand dollars (\$1,000).

Care and repairs of heating apparatus, fifteen hundred dollars (\$1,500).

Water-rent, six hundred and sixty-six dollars and sixty-six cents (\$666.66).

#### *Ohio National Guard.*

Pay Ohio national guard, forty-five thousand dollars (\$45,000).

Subsistence Ohio national guard, fourteen thousand one hundred and twenty-five dollars (\$14,125).

Fuel Ohio national guard, thirty-seven hundred and sixty-five dollars (\$3,765).

Transportation Ohio national guard, twelve thousand one hundred and twenty-five dollars (\$12,125).

Horse-hire Ohio national guard, twenty-two hundred dollars (\$2,200).

Forage for horses Ohio national guard, two hundred dollars (\$200).

Incidental expenses military companies, fourteen thousand five hundred dollars (\$14,500).

Uniforms, overcoats and blankets, fourteen thousand dollars (\$14,000).

New tents and repairs, fifteen hundred dollars (\$1,500).

General appro-  
priations for  
1896 and 1896.

Care of military stores and freight, fourteen hundred dollars (\$1,400).

Revision of code Ohio national guard, three hundred dollars (\$300).

Allowance for armory rent, twenty thousand eight hundred dollars (\$20,800).

*Board of Agriculture.*

Encouragement of agriculture, six thousand dollars (\$6,000).

Contingent expenses, one thousand dollars (\$1,000).

Weather and crop service, eighteen hundred dollars (\$1,800).

*Ohio Agricultural Experiment Station.*

Substation for field experiments, five hundred dollars (\$500).

For bulletin illustration, two hundred dollars (\$200).

Expenses board of control, five hundred dollars (\$500).

For construction, twenty-five thousand dollars (\$25,000).

*Ohio State Archaeological and Historical Society.*

To the society for expenses, seventeen hundred dollars (\$1,700).

For printing volume 4, 1,000 copies, five hundred dollars (\$500).

For care of Ft. Ancient park, five hundred dollars (\$500).

*Attorney-General.*

Salary of attorney-general, fifteen hundred dollars (\$1,500).

Salary of clerk, twelve hundred dollars (\$1,200).

Fees on collection, fifteen hundred dollars (\$1,500).

Extra clerk hire, four hundred dollars (\$400).

Contingent expenses, six hundred dollars (\$600).

Books, one hundred dollars (\$100).

*Auditor of State.*

Salary of auditor of state, three thousand dollars (\$3,000).

Salary of chief clerk, twenty-four hundred dollars (\$2,400).

Salary of bookkeeper, seventeen hundred dollars (\$1,700).

Salary of railroad and bank clerk, seventeen hundred dollars (\$1,700).

Salary of land clerk, fifteen hundred dollars (\$1,500).

Salary of canal and trust fund clerk, fourteen hundred dollars (\$1,400).

Salary of statistician, thirteen hundred and fifty dollars (\$1,350).

Salary of stenographer, eight hundred dollars (\$800).

Clerk hire and preparing forms under senate bills No. 8, 126 and 212 and house bills No. 637, 715, 763 and 816, fifteen hundred dollars (\$1,500).

Contingent expenses, sixteen hundred dollars (\$1,600). General appropriations for 1895 and 1896  
 File-case, one hundred and twenty-five dollars (\$125).

*Board of State Charities.*

Expenses of board, forty-one hundred dollars (\$4,100).  
 Expense of investigations, five hundred dollars (\$500).

*State Board of Health.*

Expenses of board, eight thousand dollars (\$8,000).

*Board of Pardons.*

Salary of members, three thousand dollars (\$3,000).  
 Salary of secretary, three hundred dollars (\$300).

*Board of Public Works.*

For keeping in repair and improvement of Miami and Erie canal, northern and southern divisions of Ohio canal, Hocking canal and Walhonding canal, all of their earnings, balances and forty thousand dollars (\$40,000). Provided, that four hundred and ninety-one dollars and sixty-seven cents (\$491.67) of the foregoing amount is hereby appropriated for David H. Hancock in full of back pay for the years of 1887 to 1891 inclusive, as collector at the port of Napoleon.

Salary of members, twenty-four hundred dollars (\$2,400).  
 Salary of engineers, thirty-six hundred dollars (\$3,600).  
 Salary of secretary, fifteen hundred dollars (\$1,500).  
 Salary of clerk and stenographer, seven hundred dollars (\$700).  
 Contingent expenses, five hundred dollars (500).  
 Attorneys' fees, one thousand dollars (\$1,000).  
 Traveling expenses of members, eighteen hundred dollars (\$1,800).  
 Carpet, seventy dollars (\$70).

*State Board of Arbitration.*

Expenses of board, two thousand dollars (\$2,000).

*Canal Commission.*

Expenses of canal commissioners, fifty-two hundred dollars (\$5,200).  
 Salary of canal commissioners, three thousand dollars (\$3,000).

*Ohio Fish and Game Commission.*

Expenses commission, propagation and transportation, seventy-five hundred dollars (\$7,500).  
 Expense new hatching ponds, one thousand dollars (\$1,000).

*Live Stock Commission.*

Expenses of live stock commission, three thousand dollars (\$3,000).

*State School Commission.*

Salary of commissioner, two thousand dollars (\$2,000).  
 Traveling expenses of commissioner, seven hundred and fifty dollars (\$750).

General appro-  
priations for  
1895 and 1896.

Salary of chief clerk, seventeen hundred and fifty dollars (\$1,750).

Salary of statistical clerk, twelve hundred dollars (\$1,200).

Salary of stenographer, six hundred dollars (\$600).

Per diem and expenses of state examiners, seven hundred and fifty dollars (\$750).

Boxing and shipping laws, reports, etc., three hundred dollars (\$300).

Contingent expenses, nine hundred dollars (\$900).

Carpet, one hundred dollars (\$100).

*Printing Commission.*

Printing paper, nineteen thousand five hundred dollars (\$19,500).

*Commissioner of Railroads and Telegraphs.*

For the uses and purposes of the commissioner of railroads and telegraphs' office, fifteen thousand dollars, or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894. And from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner, three thousand dollars (\$3,000).

Salary of chief clerk, two thousand dollars (\$2,000).

Salary of inspectors, twelve hundred dollars (\$1,200).

Salary of statistician, twelve hundred dollars (\$1,200).

Salary of recording clerks, twelve hundred dollars (\$1,200).

Salary of one clerk, twelve hundred dollars (\$1,200).

*Bureau of Labor Statistics.*

Salary of commissioner, two thousand dollars (\$2,000).

Contingent expenses, eighty-five hundred dollars (\$8,500).

Salary of chief clerk, thirteen hundred dollars (\$1,300).

Salary of stenographer, seven hundred and twenty dollars (\$720).

Salary of clerk, seven hundred and twenty dollars (\$720).

Clerk hire, six hundred dollars (\$600).

Traveling expenses, five hundred and fifty dollars (\$550).

Carpet, fifty dollars (\$50).

*Dairy and Food Commission.*

Salary of commissioner, two thousand dollars (\$2,000).

Salary of assistant commissioners, two thousand dollars (\$2,000).

Expenses of commissioner, twelve hundred dollars (\$1,200).

Expenses of assistant commissioners, fifteen hundred dollars (\$1,500).

Inspection and prosecution, seventeen thousand five hundred dollars (\$17,500).

General appropriations for 1895 and 1896.

Contingent expenses, eight hundred dollars (\$800).

*Executive Department.*

Salary of governor, eight thousand dollars (\$8,000).

Salary of lieutenant-governor, eight hundred dollars (\$800).

Salary of private secretary, eight hundred dollars (\$800).

Salary of executive clerk, fifteen hundred dollars (\$1,500).

Salary of assistant executive clerk, twelve hundred dollars (\$1,200).

Salary of stenographer, twelve hundred dollars (\$1,200).

Contingent expenses, two thousand dollars (\$2,000).

Carpet, five hundred dollars (\$500).

*Chief Inspector of Mines.*

Salary of chief inspector of mines, two thousand dollars (\$2,000).

Salary of district inspectors of mines, eighty-four hundred dollars (\$8,400).

Contingent expenses, one thousand dollars (\$1,000).

Salary of clerk, nine hundred dollars (\$900).

Extra clerk hire, one hundred and fifty dollars (\$150).

Traveling expenses of inspectors, forty-three hundred dollars (\$4,300).

Attorneys' fees and court expenses, one hundred dollars (\$100).

Carpet, fifty dollars (\$50).

*Department of Workshops and Factories.*

Salary of chief inspector, seventeen hundred and eighty-three dollars and thirty-four cents (\$1,783.34).

Traveling expenses of chief inspector, five hundred dollars (\$500).

Salaries of district inspectors, eleven thousand dollars (\$11,000).

Traveling expenses of district inspectors, fifty-five hundred dollars (\$5,500).

Salary of chief clerk, twelve hundred dollars (\$1,200).

Salaries of two clerks, fourteen hundred and forty dollars (\$1,440).

Salary of one clerk, nine hundred dollars (\$900).

Contingent expenses, one thousand dollars (\$1,000).

Scientific and mechanical appliances, one hundred dollars (\$100).

Attorneys' fees, five hundred dollars (\$500).

*Judiciary.*

Salaries of judges, three hundred and twelve thousand dollars (\$312,000).

*Law Library.*

Salary of law librarian, fifteen hundred dollars (\$1,500).

Salary of assistant law librarian, twelve hundred dollars (\$1,200).

General appro-  
priations for  
1895 and 1896.

Contingent expenses, four hundred dollars (\$400).  
Books and catalogues, twenty-five hundred dollars (\$2,500).

*Legislature.*

For salaries of members of general assembly, as provided in section 40 Revised Statutes, eighty-three thousand dollars (\$83,000).

For the clerks of the senate and house of representatives, twenty-five hundred dollars each, which may be paid to them in semi-monthly instalments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allowances provided for in sections 41 and 43 of the Revised Statutes, five thousand dollars (\$5,000).

For payment of the sergeant-at-arms of the house, five hundred dollars (\$500).

For payment of the sergeant-at-arms of the senate, five hundred dollars (\$500).

To be paid to said sergeants-at-arms on approval of the auditor of state in four equal monthly instalments, beginning January 31st, 1895.

Contingent expenses of senate clerk, one hundred and fifty dollars (\$150).

Contingent expenses of house clerk, one hundred and fifty dollars (\$150).

For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms during the year of 1895, and for taking care of the bill-books and other property of the members, as requested by them, sixteen hundred dollars (\$1,600), to be paid to him in semi-monthly instalments on the warrant of the auditor of state. For an assistant for said Frederick Blenkner in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, six hundred dollars (\$600), to be paid to said assistant on the warrant of the auditor of state, twenty-two hundred dollars (\$2,200).

*Prosecution and Transportation to Ohio Penitentiary.*

Prosecution and transportation of convicts, one hundred and fifty thousand dollars (\$150,000).

*Prosecuting Ohio War Claims Against General Government.*

Salary of agent, fifteen hundred dollars (\$1,500).

Expense of agent, six hundred dollars (\$600).

*Secretary of State.*

Salary of secretary of state, two thousand dollars (\$2,000).

Salary of state supervisor of elections, one thousand dollars (\$1,000).

Salary of chief clerk, twenty-four hundred dollars (\$2,400).

Salary of statistical clerk, fifteen hundred dollars (\$1,500).

Salary of assistant statistical clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of stationery clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of proof-reading clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of corporation clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of recording clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of superintendent book-room, one thousand dollars (\$1,000).

Salary of stenographer, twelve hundred and fifty dollars (\$1,250).

Extra clerk hire, thirteen hundred and fifty dollars (\$1,350).

Contingent expenses, fourteen hundred dollars (\$1,400).

Distribution of books, twenty-nine hundred dollars (\$2,900).

Stationery, fifty-eight hundred dollars (\$5,800).

Carpet, two hundred and twenty-nine dollars (\$229).

#### *Ohio State Library.*

Salary of librarian, fifteen hundred dollars (\$1,500).

Salary of assistant librarian, twelve hundred dollars (\$1,200).

Salary of janitor, nine hundred dollars (\$900).

Contingent expenses and extra labor, twelve hundred dollars (\$1,200).

Books and papers, twenty-five hundred dollars (\$2,500).

Repairs and furniture, five hundred dollars (\$500).

Carpet, three hundred and seventy-five dollars (\$375).

#### *Insurance Department.*

Salary of superintendent of insurance, two thousand dollars (\$2,000).

Salary of deputy superintendent of insurance, eighteen hundred dollars (\$1,800).

Salary of examining clerk, fifteen hundred dollars (\$1,500).

Salary of bookkeeper, fifteen hundred dollars (\$1,500).

Salary of corresponding clerk, one thousand dollars (\$1,000).

Salary of mailing clerk, one thousand dollars (\$1,000).

Salary of extra clerks, two thousand dollars (\$2,000).

Salary of actuary, two hundred and fifty dollars (\$250).

Contingent expenses, nineteen hundred dollars (\$1,900).

Attorneys' fees, one thousand dollars (\$1,000).

#### *Bureau of Building and Loan Associations.*

Salary of inspector, one thousand dollars (\$1,000).

Salary of deputy inspector, eighteen hundred dollars (\$1,800).

Salary of clerk, one thousand dollars (\$1,000).

Salary of extra clerks, seven hundred dollars (\$700).

Contingent expenses, five hundred dollars (\$500).

General appropriations for 1893 and 1896.



General appro-  
priations for  
1895 and 1896.

*Supervisor of Public Printing.*

State printing, twenty-five thousand dollars (\$25,000).  
State binding, twenty-five thousand dollars (\$25,000).  
Contingent expenses, two hundred and fifty dollars (\$250).  
Salary of supervisor, two thousand dollars (\$2,000).  
Binding machinery, twenty-five hundred and fifty dollars (\$2,550).

*Supreme Court.*

Supreme court attendance, eight hundred dollars (\$800).  
Janitor, one thousand dollars (\$1,000).  
Contingent expenses, three hundred dollars (\$300).  
Carpets, rugs and mats, five hundred dollars (\$500).

*Clerk of Supreme Court.*

Salary of clerk, fifteen hundred dollars (\$1,500).  
Salary of first deputy, fourteen hundred and fifty dollars (\$1,450).  
Salary of second deputy, twelve hundred and fifty dollars (\$1,250).  
Salary of stenographer, eight hundred dollars (\$800).  
Contingent expenses, five hundred dollars (\$500).  
New file-cases, fifty dollars (\$50).  
Carpet, and painting, one hundred and fifty dollars (\$150).

*Supreme Court Reporter.*

Reporter's salary, fifteen hundred dollars (\$1,500).  
Contingent expenses, four hundred dollars (\$400).

*Treasurer of State.*

Salary of treasurer of state, three thousand dollars (\$3,000).  
Salary of cashier, twenty-four hundred dollars (\$2,400).  
Salary of two bookkeepers, three thousand dollars (\$3,000).  
Salary of two night-watchmen, eighteen hundred dollars (\$1,800).  
Contingent expenses, four hundred dollars (\$400).  
Collecting auditor of state's drafts, nineteen hundred dollars (\$1,900).  
Alarm telegraph and telephone, eighty-six dollars (\$86).  
Repairing and improving safe, twelve hundred dollars (\$1,200).

*Ohio Penitentiary.*

Per diem of managers, forty-eight hundred dollars (\$4,800).  
Salaries of officers, twenty-five thousand six hundred and eighty dollars (\$25,680).  
Salaries of guards, eighty-five thousand [dollars] (\$85,000).  
Current expenses, two hundred and ten thousand dollars (\$210,000).  
Manufacture of gas, eighteen thousand dollars (\$18,000).

Rewards to discharged convicts, twenty-six thousand seven hundred and fifty dollars (\$26,750).

General appropriations for 1895 and 1896.

Ordinary repairs, including carpets and furniture, improvement of streets, library, sewerage and water-works, and fire protection, twenty-two thousand five hundred dollars (\$22,500).

Moral and religious instruction, two hundred and fifty dollars (\$250).

Construction of new hospital, twenty thousand dollars (\$20,000).

For construction and maintenance of an electric lighting plant for the purpose of lighting state-house and grounds, twenty-two thousand dollars (\$22,000) to be expended under the supervision of the board of managers of the penitentiary and the adjutant-general.

*Miami University.*

For the uses and purposes of Miami university, fifteen thousand dollars (\$15,000).

*Ohio University.*

For the uses and purposes of Ohio university, thirteen thousand dollars (\$13,000).

*Wilberforce University.*

For the uses and purposes of Wilberforce university in the normal and industrial departments, twelve thousand five hundred dollars (\$12,500).

*Athens State Hospital.*

Current expenses, one hundred and seven thousand dollars (\$107,000).

Salaries of officers and secretary, and expenses of trustees, five thousand five hundred and sixty-five dollars and seventy-eight cents (\$5,565.78).

Ordinary repairs, including painting, wagons, carpets, library, furniture, workshops and machinery, fifteen thousand dollars (\$15,000).

Cold storage, one thousand dollars (\$1,000).

Ice-house, two thousand dollars (\$2,000).

Electric lighting plant, twelve thousand dollars (\$12,000).

*Cleveland State Hospital.*

Current expenses, one hundred and thirty-eight thousand six hundred and fifty dollars (\$138,650).

Salaries of officers and secretary, and expenses of trustees, fifty-seven hundred dollars (\$5,700).

Ordinary repairs, including carpets, furniture, painting, books and pictures, elevator and grading, thirteen thousand dollars (\$13,000).

Morgue, fifteen hundred dollars (\$1,500).

Cold storage, one thousand dollars (\$1,000).

Ice-house, two thousand dollars (\$2,000).

*Columbus State Hospital.*

Current expenses, one hundred and sixty-four thousand dollars (\$164,000).

General appropriations for  
1895 and 1896.

Salaries of officers and secretary, and expenses of trustees, sixty-four hundred dollars (\$6,400).

Ordinary repairs, including carpets and furniture, painting, grading, books and pictures, and kitchen and laundry apparatus, thirteen thousand dollars (\$13,000).

Workshop under dining-room, one thousand dollars (\$1,000).

*Dayton State Hospital.*

Current expenses, one hundred and thirteen thousand dollars (\$113,000).

Salaries of officers and secretary, and expenses of trustees, fifty-seven hundred dollars (\$5,700).

Ordinary repairs, including books and pictures, carpets, furniture and mattresses and painting, nine thousand five hundred dollars (\$9,500).

Electric lighting plant, sixty-five hundred dollars (\$6,500).

*Toledo State Hospital.*

Current expenses, including rent of land, one hundred and forty-eight thousand seven hundred and fifty dollars (\$148,750).

Salaries of officers and secretary, and expenses of trustees, fifty-nine hundred dollars (\$5,900).

Ordinary repairs, including furniture and carpets, books and pictures, painting, harness, carriages and farm implements, roads and walks, shrubbery, fire-department, sheds and fencing, fifteen thousand dollars (\$15,000).

Water-tower, pumps and additional water-supply, six thousand dollars (\$6,000).

Industrial building, five thousand dollars (\$5,000).

Any unexpended balances in any other funds are hereby authorized to be transferred to the industrial building fund.

*Longview State Hospital.*

Current expenses, one hundred and thirty-five thousand dollars (\$135,000).

This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of current expenses of said institution. Requisitions shall be made by the trustees of said hospital upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriation shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1895, and ending February 15, 1896.

*Boys' Industrial School.*

Salary fund and trustees' expenses, twenty-seven thousand six hundred dollars (\$27,600).

Current expenses, fifty thousand dollars (\$50,000).

Ordinary repairs, including grading, laundry, library, furniture and carpets, machinery and tools, eight thousand dollars (\$8,000).

Reward, eight hundred dollars (\$800).

Religious services and lectures, three hundred dollars (\$300).

Amusements, two hundred dollars (\$200).

Electric lighting plant, twelve thousand dollars (\$12,000).

*Girls' Industrial Home.*

Current expenses, nineteen thousand dollars (\$19,000).

Salaries and expenses of trustees, eighteen thousand two hundred dollars (\$18,200).

Expenses of lady visiting committee, fifty dollars (\$50).

Religious services, three hundred dollars (\$300).

Ordinary repairs and improvement of roads, including library, furniture and carpets, five thousand dollars (\$5,000).

*Institution for the Blind.*

Current expenses, forty-three thousand dollars (\$43,000).

Salaries of officers and teachers, and expenses of trustees, thirteen thousand seven hundred and fifty dollars (\$13,750).

Ordinary repairs, including books and school apparatus, carpets, bedding and furniture, care of grounds and walks; steam heating, water-closets, library, paving roadways and walks, and painting, seven thousand dollars (\$7,000).

Oculist, five hundred dollars (\$500).

Any balance in the fund for wiring building and electric lights on February 15, 1895, is hereby reappropriated for the same purposes.

*Deaf and Dumb Institution.*

Current expenses, including periodicals and papers, sixty thousand dollars (\$60,000).

Salaries of officers and teachers, and expenses of trustees, twenty-five thousand seven hundred dollars (\$25,700).

Ordinary repairs, including furniture and carpets, six thousand dollars (\$6,000).

Foreman and supplies industrial pursuits, forty-eight hundred dollars (\$4,800).

Lumber and nails for boxes, one thousand dollars (\$1,000).

*Ohio Institution for Feeble-Minded Youth.*

Current expenses, one hundred and twenty thousand dollars (\$120,000).

Salaries of officers and teachers, and expenses of trustees, sixteen thousand and fifty dollars (\$16,050).

Ordinary repairs, including furniture and carpets, eleven thousand dollars (\$11,000).

Laundry and dry-house, three thousand dollars (\$3,000).

Coal-house, three thousand dollars (\$3,000). Provided that the exception to the penitentiary in section No. 782 Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

General appropriations for 1895 and 1896.

General appropriations for  
1895 and 1896.

*Ohio Soldiers' and Sailors' Home.*

Current expenses and clothing, balances, amount received from the general government, and fifty thousand dollars (\$50,000).

Officers' salaries and trustees' expenses, seventy-four hundred dollars (\$7,400).

Ordinary repairs, including furniture, carpets and bedding, improvement of grounds and drainage and sewerage, eight thousand dollars (\$8,000).

For construction of hospital, twenty-five thousand dollars (\$25,000).

*Ohio Soldiers' and Sailors' Orphans' Home.*

Current expenses, one hundred and twenty thousand dollars (\$120,000).

Salaries of officers, twenty-four thousand six hundred dollars (\$24,600).

Industrial pursuits, purchase of machinery, etc., ten thousand dollars (\$10,000).

Salaries of foreman and instructors, nine thousand dollars (\$9,000).

Expenses of trustees and board of visitors, six hundred dollars (\$600).

Services in chapel, two hundred and seventy-five dollars (\$275).

Visiting county homes, fifty dollars (\$50).

Net earnings, fifteen hundred dollars (\$1,500).

Support of orphans outside, six thousand dollars (\$6,000).

Entertainment and amusement, five hundred dollars (\$500).

Ordinary repairs, including library, furniture, carpets and farm implements, eight thousand dollars (\$8,000).

Addition to new school-house for assembly-hall, twenty-five hundred dollars (\$2,500).

*Massillon State Hospital.*

For construction, fifty thousand dollars (\$50,000).

*Ohio Hospital for Epileptics.*

Current expenses, seventy-five thousand dollars (\$75,000).

Transportation, two thousand dollars (\$2,000).

Salaries of officers and secretary, and expenses of trustees, forty-six hundred dollars (\$4,600).

Purchase of land and construction, four thousand dollars (\$4,000).

Ordinary repairs, twenty-five hundred dollars (\$2,500).

For construction and furniture, fifty thousand dollars (\$50,000).

*Ohio Working Home for the Blind.*

For uses and purposes of Ohio working home for the blind, eight thousand dollars (\$8,000).

*Ohio State Reformatory.*

For construction, fifty thousand dollars (\$50,000).

*Board of Appraisers and Assessors, Express, etc., Co.*

Salaries of members, three thousand dollars (\$3,000).

Contingent expenses, five hundred dollars (\$500).

General appropriations for  
1896 and 1896.*Ohio State Horticultural Society.*

Expenses of society, one thousand dollars (\$1,000).

*Miscellaneous.*

Pension for Mrs. J. P. Brush, ninety-six dollars (\$96).

To aid in support of deaf mute school at Cincinnati, twenty-five hundred dollars (\$2,500).

To pay for plates and books of Howe's history of Ohio in accordance with the provisions of S. J. resolution No. 11, twenty thousand dollars (\$20,000).

For scientific instruction in the art of clay-working and ceramics at the Ohio state university, twenty-five hundred dollars (\$2,500).

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

271G

[Senate Bill No. 315.]

## AN ACT

To provide for the abandonment of the Hocking canal for canal purposes, and for leasing the same to the Columbus, Hocking Valley &amp; Athens railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Hocking canal, from its junction with the Ohio canal in the village of Carroll, Fairfield county, to its southeastern terminus in the village of Nelsonville, Athens county, be and the same hereby is abandoned forProviding for  
the abandon-  
ment of a por-  
tion of the Hock-  
ing canal.

canal purposes, and the same shall not be used for canal purposes during the pendency of the lease provided in the next section of this act.

Lease to Columbus, Hocking Valley and Athens railroad company; terms and conditions.

SECTION 2. There is hereby granted the right, franchise and privilege of constructing, maintaining and operating over, upon and along the Hocking canal and property of the state of Ohio, adjacent thereto, a railroad, with single or double tracks, side-tracks, switches, bridges, stations and other structures usual and incidental to the operation of a railroad, to the Columbus, Hocking Valley & Athens railroad company, its successors and assigns, for the term of ninety-nine years, renewable forever, for and in consideration of the payment by said company, its successors or assigns, to the treasurer of the state of Ohio on the first day of July, 1894, of the sum of fifty thousand dollars, and on the first day of January, 1900, and of each and every year thereafter during the term of this lease, of the sum of ten thousand dollars annual rental.

Lien of the state for purchase-money and rentals.

SECTION 3. Said instalment of fifty thousand dollars shall be paid into the state treasury before the construction of said railroad is begun, and for the remaining instalments of rental the state of Ohio shall have a first lien upon said railroad, together with its switches, side-tracks, bridges and other structures erected on said property of the state of Ohio, which shall be superior to any and all other liens of every kind upon the same. The said Columbus, Hocking Valley and Athens railroad company shall further execute unto the state of Ohio to be approved by the auditor of state, secretary of state and attorney-general, or any two of them, a good and sufficient bond in the sum of one hundred thousand dollars conditioned that said company will faithfully build said railroad in compliance with the condition and terms of this act, and upon failure to build said road within the time herein specified they shall be liable to the state of Ohio in the full sum of one hundred thousand dollars as stipulated damages. Said bond shall be executed and filed with the secretary of state within ten days after the passage of this act.

Bond to be given by railroad company.

Consideration of transfer to railroad company.

SECTION 4. In consideration of the payments aforesaid, said railroad company, its successors and assigns, shall have the exclusive right during the term aforesaid to use and occupy the property aforesaid, or so much thereof as may be necessary, for the purpose of constructing, maintaining and operating a railroad thereon. Said company shall not disturb any vested rights or privileges of abutting property-holders along said canal, and shall hold the state harmless from all loss or damage resulting to such property-holders by reason of the construction and operation of said railroad. Provided, that when said railroad, its successors and assigns cease to use said canal for railroad purposes said canal property shall revert to the state for canal purposes.

Reversion in case of abandonment.

SECTION 5. This act shall not be construed to prevent the levying and collecting of taxes on said railroad in the same manner as they are levied and collected on other railroad property in this state. Taxation.

SECTION 6. The work of constructing said railroad shall be commenced within six months after the passage of this act, and the same shall be completed within two years thereafter. When work of construction to commence.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

272G

[Senate Bill No. 401.]

### AN ACT

To authorize the governor, auditor, and the attorney-general of the state of Ohio to examine and adjust the claim made by W. O. Tolford for percentage under a contract made pursuant to act of the legislature passed April 16, 1883, on the settlement of and payment into the treasury of the state of Ohio of certain money received from the United States, and known as the "refunded direct war tax."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor, the auditor, and the attorney-general of the state of Ohio be and the same are hereby authorized to examine and pass upon the claim made by W. O. Tolford, state agent, appointed and contracted with to prosecute the war claims of the state of Ohio against the United States, under an act passed by the general assembly of Ohio, April 16, 1883 (O. L., 83, 122), for a certain percentage claimed as a balance due him on money collected from the United States and paid into the state treasury, and known as the "refund of the direct tax," in accordance with the written agreements entered into by him and fully set forth in his contract made pursuant to said act of the legislature passed April 16, 1883. Examination and adjustment of claim of W. O. Tolford.

SECTION 2. Should, after examination, the said governor, auditor and attorney-general find that there is still a balance due said agent in accordance with the terms of his contract, and the same is justly due him for services performed and rendered under his contract, then the amount so found due shall be paid to said agent from the first money hereafter received by the state of Ohio from the United States on account of reimbursements of her claims against the general government for war expenses, known as "Ohio war claims." Payment of balance due said agent.



SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
273G

[House Bill No. 350.]

## AN ACT

To amend section 7027 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7027 of the Revised Statutes of the state of Ohio be so amended as to read as follows:

Offenses against chastity:  
  
Penalty for disposing of, exhibiting, advertising, manufacturing, etc., obscene literature, drugs intended for criminal purposes, etc.

Sec. 7027. Every person who, within the state of Ohio, sells, or lends, or gives away, or in any manner exhibits, or offers to sell, or to lend, or to give away, or in any manner to exhibit, or otherwise publishes or offers to publish in any manner, or has in his possession for any such purpose any obscene, lewd or lascivious book, pamphlet, paper, writing, advertisement, circular, print, picture, photograph, drawing or other representation, figure or image on or of paper or other material, or any cast, instrument or other article of an indecent or immoral nature, or any drug or medicine or any article or thing whatever designed or intended for the prevention of conception or for causing abortion, or advertises the same for sale, or writes or prints, or causes to be written or printed, any card, book, pamphlet, advertisement or notice of any kind giving information directly or indirectly when, where, how, or of whom, or by what means any of the articles or things in this section hereinbefore mentioned can be purchased or obtained, or manufactures, draws, or prints or in any way makes such articles or things, or who sells, gives away or shows to any minor child any book, pamphlet, magazine, newspaper, story paper or other paper devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust or crime, or exhibits upon any street or highway, or in any place within the view, or which may be within the view of any minor child, any of the above described books, papers or pictures, shall, on conviction, be imprisoned not more than five years or fined not less than fifty dollars nor more than two thousand dollars with costs of prosecution for each offense, or both imprisoned and fined, at the discretion of the court; but nothing in this section or the next two sections shall be construed to affect teaching in regularly chartered medical colleges, or the publica-

Medical colleges and books, practitioners, etc.

tion of standard medical books, or the practice [of] regular practitioners of medicine or druggists in their legitimate business.

SECTION 2. That original section 7027 is hereby repealed, and this act shall take effect from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
274G

[House Bill No. 359.]

### AN ACT

To amend section 288 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 288 of the Revised Statutes of Ohio be amended so as to read as follows:

Superintendent  
of insurance:

Sec. 288. Any person who violates any of the provisions of this chapter, or of any insurance law of this state for the violation of which no penalty is elsewhere provided, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both. Any corporation, company or association violating any of the provisions of this chapter, or of any insurance law of this state for the violation of which no penalty is elsewhere provided, shall be liable to a penalty of not more than one thousand dollars nor less than one hundred dollars, to be recovered by action in the name of the state, and on collection paid to the superintendent of insurance to be covered by him into the state treasury.

Penalty for violation of statutory provisions relating to insurance companies.

SECTION 2. Section 288 of the Revised Statutes, as amended April 17, 1885 (82, O. L., 138), is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
275G

[House Bill No. 475.]

## AN ACT

For the relief of David Cornthwaite.

Preamble.

WHEREAS, The live stock commission of the state of Ohio caused four horses, the property of David Cornthwaite, a farmer and resident of Butler county, Ohio, to be killed on the 20th day of May, 1891, under the belief that said horses had the glanders, and caused another horse of said David Cornthwaite to be quarantined from June 17, 1891, until January 27, 1892, under the belief that it also had the glanders; and

WHEREAS, It has, since said four horses were killed and said horse was quarantined, been clearly demonstrated that said horses did not have the glanders—the horse that was quarantined having gotten entirely well shortly after it was put into quarantine; and

WHEREAS, The said four horses that were killed were of the value of \$545 at the time they were killed, and the use of the horse quarantined was worth \$25 for the period it was quarantined; and

WHEREAS, Said David Cornthwaite is not able to sustain the loss caused to him by the killing and quarantining of his horses, they having been killed and quarantined with the view of protecting the public; therefore,

Appropriation  
for David  
Cornthwaite.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of \$400 to be paid to David Cornthwaite in full payment of the loss caused to him as above described; and the auditor of the state is hereby directed to issue his warrant on the state treasurer in favor of said David Cornthwaite for said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

276G

[House Bill No. 731.]

## AN ACT

To amend supplementary section 3630i of the Revised Statutes of Ohio.

Life insurance  
companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*. That supplementary section 3630i of the Revised Statutes be amended so as to read as follows:

Sec. 3630i. Companies consisting of five or more citizens of Ohio may be organized under this chapter and section for the special purpose of insuring against accidental personal injury and loss of life, sustained while traveling by railroad, steamboat or other mode of conveyance, and making all and every insurance connected with accidental loss of life and personal injury, sustained by accident, of every description whatever, and against expenses and loss of time occasioned by injury or sickness, and on such terms and conditions, and for such periods of time, and confined to such countries and localities, and to such persons as from time to time may be provided in the by-laws of the company; and the expenses of such corporations, companies or associations, shall be met by fixed annual payments, payable quarterly or otherwise, or by assessments on the members, payable as may be provided in the by-laws; and on either plan there may be included in such payments or assessments, a certain per cent. thereof, to be fixed by the by-laws, which when collected, shall be credited on the books of the company to the expense fund, and the residue thereof shall be so credited to the fund to pay losses and create a reserve or guarantee fund for the payment of losses and liabilities, and said funds shall be kept separate, and shall never be interchanged or used for purposes other than those for which they were respectively collected as aforesaid; provided, that the assessed shall be notified at the time of the collection of each payment the per cent. thereof that is collected to pay expenses, and the per cent. thereof that is collected to pay losses and create a guarantee fund; but nothing herein shall prevent the company from distributing to certificate-holders the surplus in the accident fund and the surplus arising from the reserve on lapsed and canceled certificates as provided in the by-laws of the company; and provided, that companies organized under the provisions of this section shall, before engaging in business as provided in this section, execute a bond in the sum of one hundred thousand dollars to the state of Ohio, with security to the acceptance and approval of the superintendent of insurance, for the use and benefit of all persons holding policies or certificates in such company, conditioned that such company shall credit upon the books of said company, all moneys received by them under the provisions of this section, keep the funds separate and not use or interchange them for purposes [other] than those for which they were respectively collected, and that they will apply and pay out said funds to and for the purposes provided for in this section, which bond, when so executed and approved, shall be deposited with and held by the superintendent of insurance. Provided further, that any corporation, company or association, organized for the purpose of doing a purely accident insurance business, and which corporation, company or association, creates a reserve or guarantee fund from the premiums collected by assessments or otherwise, as provided in the by-laws of the corporation, company or association, shall not be subject to the

Companies for insuring against accidental personal injury and loss of life, and against expenses and loss of time occasioned by injury or sickness.

Expenses.

Expense, to a and guaranty funds.

Notice to persons assessed

Distribution to certificate-holders.

Bond required.

Bond and securities required of purely accident company.

preceding part of this section, relating to the deposit of a bond in the sum of one hundred thousand dollars; but the treasurer of all such corporations, companies or associations shall, before commencing business, deposit with the superintendent of insurance a bond with approved securities, to the acceptance of said superintendent in the sum of ten thousand dollars, for the use and purposes provided in the preceding portion of this section; and every such corporation, company or association shall invest, as provided in section 3598 of the Revised Statutes of Ohio, so much of the reserve or guarantee fund, in excess of ten thousand dollars, as shall equal at least two and one-half per cent. of all premiums or assessments collected from policies or certificates in force, on the last day of June and December of each year, until said reserve or guarantee fund shall be equal to two dollars for every five thousand dollars of insurance in force; securities for said reserve, as herein provided, shall be deposited with the superintendent of insurance on the last day of June and December of each year, or within thirty days thereafter, to be held by said superintendent for the benefit and protection of policy or certificate-holders. Provided, that if such corporation, company or association shall at any time cause all of its unexpired policies or certificates to be paid, canceled or reinsured, and all its liabilities under such policies or certificates thereby to be extinguished, or to be assumed by some other responsible company authorized to do business in this state, the superintendent of insurance shall, on application of such company, verified by the oath of its president or secretary, and on being satisfied by an examination of its books and of its officers, under oath, that all of its policies or certificates are so paid, canceled, extinguished or reinsured, deliver up to it such security. Any corporation, company or association, or officer thereof, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail where said officer resides, for not less than thirty days nor more than one year, or both, at the discretion of the court.

Penalty.

Repeals, etc.

SECTION 2. That said supplementary section 3630i be and the same is hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
 277G

[House Bill No. 923.]

## AN ACT

To amend section 6711 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6711 of the Revised Statutes of Ohio be amended to read as follows:

Jurisdiction of  
supreme court  
in error:Printing of  
record.

Sec. 6711. When a petition in error is filed in the supreme court, so much of the record to be reviewed as will show the error complained of shall be printed, and ten of the printed copies thereof filed with the papers, which printing the plaintiff in error may have done, or he may deposit with the clerk sufficient money to pay the cost thereof; and if he fail for sixty days after filing the petition to file such printed copies or make such deposit, the petition in error shall be dismissed, unless the court, on good cause shown, extend the time or dispense with such printing; and the fair expense of such printing shall be taxed as part of the costs. Provided, that where proceedings in error are instituted by any administrator, executor, trustee or guardian, in his trust capacity, the court shall, on application of said plaintiff in error, dispense with the printing of such record, when it is made to appear by the affidavit of the plaintiff in error that the estate represented by him has no funds with which to pay for such printing. The clerk shall deliver to the court, at each monthly call of the docket, a list of cases in default under this section, and the court shall call the same, and make deposition [disposition] thereof, as herein provided.

SECTION 2. That said original section 6711 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
278G

[House Bill No. 991.]

## AN ACT

To supplement section 2275 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2275c of the Revised Statutes of Ohio be enacted as supplementary to section 2275 as follows:

Assessments:

Sec. 2275c. The provisions of section 2275 shall be fully applicable to all cities of the fourth grade of the second class, which on the first day of July, A. D., 1890, had,

Intersections  
and municipal  
property of De-  
bance.

and those which on the first day of July in any year have, when ascertained in the way mentioned in section 1547 of said Revised Statutes, more than seven thousand six hundred and ninety, and less than eight thousand two hundred inhabitants, for the purposes of said assessments for any improvements enumerated in this chapter which are either completed, already determined or ordered, or may hereinafter be made; provided, further that for the payment of said bonds or said assessments therein mentioned, the council of said cities may levy a further tax in addition to the amount authorized in section 2689a, upon all the taxable, real and personal property within said corporations as provided in section 2691, every year during the period said bonds or said assessments may have to run, sufficient in amount each year to pay the bonds or assessments falling due within the year, and accruing interest thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

279G

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[House Bill No. 1080.]

## AN ACT

Making appropriation for support of common schools in Defiance county.

Appropriation  
for common  
schools of De-  
fiance county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, the sum of three hundred and thirty dollars (\$330), for the purpose of correcting an omission of 220 school youth in the enumeration of youth in Defiance county, which sum, the auditor of state is hereby directed to apportion to said county in the August settlement for the year 1894.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

280G

[ House Bill No. 1033.]

## AN ACT

To supplement section 2689a, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2689b be enacted supplementary to section 2689a of the Revised Statutes of Ohio, as follows :

Taxation :

Sec. 2689b. That in all cities of the fourth grade of the second class, which on the first day of July, A. D. 1890, had, and those which on the same day in any year, when ascertained in the way mentioned in section 1547 of said Revised Statutes, have more than seven thousand six hundred and ninety (7,690), and less than eight thousand two hundred (8,200), inhabitants, the council thereof, may levy or order, in the manner provided in this chapter, in addition to the maximum amount authorized by section 2689a of said Revised Statutes, such other and further additional sum, not to exceed three mills, as may be necessary, for the purpose of lighting the streets, and corporate buildings, of said cities.

Additional levy for lighting purposes in De-hance.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

281G

[ House Bill No. 1046.]

## AN ACT

To further supplement section 2491 of the Revised Statutes of Ohio as heretofore supplemented by enacting section 2491d, as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2491 of the Revised Statutes be further supplemented as follows:

Toledo natural gas trustees:

Sec. 2491d. That when any city of the third grade of the first class in this state is, or hereafter may be lawfully engaged in the production and sale of natural gas, and whilst so engaged produces or procures any petroleum or rock oil, or lands or leases containing such oil, the natural gas trustees of such city are hereby authorized to operate or sell such wells, lands or leases as they may deem best, and to receive, receipt for, and collect in the name of such city, the proceeds of any and all such operations and sales, said moneys so received from said proceeds may be expended by the trustees of such city in producing gas, in purchasing additional wells, lands and leases, drilling addi-

Operation or sale of oil-wells, lands or leases.



tional wells, or otherwise improving the natural gas plant of such city as they shall deem best.

SECTION 2. That this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
232G

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[Senate Bill No. 30.]

### AN ACT

To amend section 839 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 839 of the Revised Statutes be so amended as to read as follows:

County commissioners:

Number, election and term.

Repeals, etc.

Sec. 839. The board of county commissioners consists of three persons, one of whom shall be chosen every year, and shall hold his office three years, commencing on the third Monday of September next after his election.

SECTION 2. That said original section 839 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
283G

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[Senate Bill No. 50.]

### AN ACT

To amend section 6841 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6841 of the Revised Statutes be so amended as to read as follows:

Offenses against property:

Embezzlement of public money; penalty.

Sec. 6841. Whoever, being charged with the collection, receipt, safe-keeping, transfer or disbursement of the public money or bequest, or any part thereof, belonging to the state, or to any county, township, municipal corporation, board of education, cemetery association or company in this state, converts to his own use, or to the use of any other person, body corporate, association or party whatever, in any way whatever, or uses by way of investment in any

kind of security, stock, loan, property, land or merchandise, or in any other manner or form whatever, or loans with or without interest to any company, corporation, association or individual, or, except as hereinafter provided, deposits with any company, corporation or individual any portion of the public money or any other funds, property, bonds, securities, assets or effects of any kind received, controlled or held by him for safe-keeping or in trust for a specific purpose, transfer or disbursement, or in any other way or manner, or for any other purpose, shall be deemed guilty of embezzlement of so much of the money or other property thus converted, used, invested, loaned, deposited or paid out, and shall be imprisoned in the penitentiary not more than twenty-one years nor less than one year, and fined in double the amount of money or other property embezzled, which fine shall operate as a judgment at law on all of the estate of the party sentenced, and be enforced to collection by execution or other process for the use only of the owner of the property or effects so embezzled, and such fine shall only be released or entered as satisfied by the party in interest as aforesaid. Provided, however, nothing in this act shall be so construed as to make it unlawful for the treasurer of any township, municipal corporation, board of education or cemetery association to deposit any portion of such public money with any person, firm, company or corporation organized and doing a banking business under the banking laws of the state of Ohio, or the banking laws of the United States. Provided, further, the deposit of any such funds in any such bank shall in no wise release any such treasurer from liability for any loss which may occur thereby.

Deposit with  
bank.

SECTION 2. That original section 6841 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
284G

[Senate Bill No. 300.]

## AN ACT

To regulate the foreclosure of chattel mortgages on household goods, wearing-apparel and mechanic's tools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no chattel mortgage on the necessary household goods, wearing-apparel or mechanic's tools of any person or family, except chattel mortgages given to secure the whole or some part of the purchase-price there-

Foreclosure of  
chattel mort-  
gage on house-  
hold goods,  
wearing-apparel  
or mechanic's

tools; seizure of such mortgaged articles.

of, shall be foreclosed except in a court of record. No such household goods, wearing-apparel or mechanic's tools covered by a chattel mortgage shall be seized or taken out of the possession of the mortgagor before foreclosure, except by a sheriff, or constable, and then only after the mortgagee or his [agent] has presented an affidavit to a judge of some court of record or justice of the peace, setting forth that the mortgage is due, or that the mortgagee is in danger of losing his security, giving the facts upon which he relies, and after obtaining an order from such judge or justice of the peace, directing such sheriff or constable to seize such household goods, wearing-apparel or mechanic's tools and hold them subject to the order of the court; any stipulation of such mortgage to the contrary notwithstanding; provided, that nothing herein shall apply to the sale of furniture or other household goods by regular dealers; provided further, that this act shall not apply to the foreclosure of chattel mortgages executed prior to the time that this act goes into effect; provided further, that if the mortgagee fails to recover the full amount on his petition, the court shall adjudge the costs against him.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
285G

[Senate Bill No. 337.]

## AN ACT

To supplement section 2837 of the Revised Statutes of Ohio by section 2837a.

Municipal bonds:

Sale of municipal bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2837 be supplemented as follows:

Sec. 2837a. Whenever two-thirds of the voters of any municipal corporation vote in favor of the issue of bonds as provided in the preceding section, the council of such municipal corporation may provide by ordinance for the sale of such bonds, in not more than four different series, at not more than four different times, as the money may be needed for use, after advertising each sale according to section 2709 of the Revised Statutes of Ohio.

SECTION 2. That this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
 286G

[Senate Bill No. 352.]

# AN ACT

To amend section 422 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 422 of the Revised Statutes of Ohio be amended so as to read as follows:

Clerk of  
 supreme court:

Sec. 422. The clerk shall quarterly report to the supreme court the total amount of fees received, and shall forthwith pay the same to the treasurer of state; provided, that the clerk may retain the sum of two hundred dollars of said fees each quarter, which shall be in addition to his salary, as provided by section one thousand two hundred and eighty-four; and, provided further, that the clerk shall retain and pay to the reporter of the supreme court, out of said fees, as compensation, in addition to his compensation as provided by section four hundred and thirty-six, the sum of three dollars each, for extra services for editing, tabulating, indexing and publishing, in the reports of the decisions of said court, all cases disposed of on the general docket of said court, except such as are dismissed by the consent of parties, or for failure to file printed record, or for want of preparation, by giving number and style of the case, the character of the suit, the judgment of the court, and the cases cited, if any, as authority for the decision, and the attorneys of the parties, which said sum shall be paid quarterly, on the computation of said clerk, including all such cases disposed of since January 2, 1894.

Quarterly report and disposition of fees; amount he may retain; additional compensation of reporter.

SECTION 2. Said section 422 is hereby repealed, and this act shall be in force from its passage.

Repeals, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
 287G

[Senate Bill No. 430.]

## AN ACT

To supplement section 2270 of the Revised Statutes.

Assessments:

Special assessments in Elmore.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Sec. 2270*e*. That in any village in the state which at the last federal census had a population of not exceeding 1,200 nor less than 1,195, or which at any subsequent federal census may have a population not less than 1,195 or exceeding 1,200, notwithstanding the provisions of said section, the assessment or tax specially levied, mentioned in said section 2270, and for the purpose therein named, may be an amount not to exceed fifty per centum of the value as assessed for taxation of and upon any lots or lands in any such city, and on either side of which along the line of the improvement, either mediately or immediately, the lots and lands or a part thereof have been improved.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
288G

[Senate Bill No. 62.]

## AN ACT

To repeal sections 2658, 2659, 2663, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727 and 4728 of the Revised Statutes of Ohio, relating to labor on streets and highways.

repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2658, 2659, 2663, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727 and 4728 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
289G

[Senate Bill No. 103.]

## AN ACT

To provide for the revision and improvement of the statutes of Ohio relating to insurance.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor, by and with the consent of the senate, shall appoint two competent commissioners, one from the political party which at the last state election cast the highest number of votes and the other from the party which at such election cast the next highest number of votes, who shall not have any official connection with an insurance company, own any stock in such company, or be interested in the business thereof except as a policy-holder, who shall be elector of this state, who together with the attorney-general and superintendent of insurance, shall constitute a commission to revise and improve the statutes of Ohio relating to and regulating insurance; and in case a vacancy shall occur in said commission, the governor is authorized to fill the same.

Commission to revise insurance laws.

SECTION 2. Such commission shall inquire into the business of insurance in all its branches with respect to its regulation by the state, with a view of ascertaining what provisions of law will best promote and protect the interest of policy-holders, of insurance companies, and the state; and for this purpose they shall hear representatives of the various kinds of insurance, and shall invite the fullest and clearest presentation of the views of all persons and bodies interested in the matter of insurance; and they shall have authority to send for persons and papers, and, with the approval of the governor, may personally investigate the mode of regulating insurance in other states.

Inquiry into insurance business.

SECTION 3. In making such revision and improvement, the commission shall bring together, arrange under suitable chapters and sections for insertion in its appropriate place or places in the Revised Statutes, all existing statutes relating to insurance, altering, amending and supplementing the same, so as to reconcile contradictions, supply omissions, amend imperfections and produce a consistent and efficient body of laws regulating the entire subject of insurance in this state. Head-notes to chapters, subheads for sections, references to the acts or sections from which compiled, and foot-notes of the decisions of the supreme court, shall be provided as in Smith and Benedict's edition of the Revised Statutes.

Rules governing revision.

SECTION 4. The commission shall complete the work intrusted to them within three months from the organization thereof and shall cause a copy of their report appropriately indexed, to be printed, and submitted to the next session of the general assembly for the enactment of the laws recommended therein. In the report, changes in the existing laws contemplated by the bill or bills submitted for enactment shall be pointed out, with the reasons therefor.

Time within which work to be completed; report.

Rooms, stationery, clerical help, access to rolls, etc.

Compensation of commissioners.

How expenses to be paid.

Limitation on expenses.

Statement of disbursements, etc.

SECTION 5. The commission shall be provided with suitable rooms for the prosecution of the work, and with necessary stationery; they may employ such clerical help as may be required, and shall have free access to the rolls, books and records in the departments of the state government. The commissioners (except the superintendent of insurance) and attorney-general shall each receive ten dollars per day for time actually employed in the work of the commission. The expenses (including compensation) of the commission shall be paid on the duly authenticated requisitions of the commission, accompanied by vouchers showing the purpose for which drawn, when approved by the governor, by the superintendent of insurance, out of the fees collected in his department from the insurance companies in excess of the amount required to pay the salaries and expenditures of the insurance department; provided, however, the total expense of said commission for salary and clerk hire, witness fees and all other expenses shall not exceed the sum of fourteen hundred dollars for each commissioner or a total of twenty-eight hundred dollars for all compensation and expense and work of the commissioners and commission; in his settlements with the auditor of state, the superintendent of insurance shall make a statement of disbursement of fees under this section, and shall file the receipted requisitions, which shall be accepted by the auditor of state as full authority to make the same.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
290G

[Senate Bill No. 366.]

## AN ACT

To regulate the branding of cheese in the state of Ohio, and to prevent fraud in its manufacture and sale, and to repeal an act passed March 30th, 1892, entitled "An act to regulate the branding of cheese in the state of Ohio, and to prevent fraud in its manufacture and sale."

Manufacture, sale, etc., of imitations or adulterated cheese prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall manufacture, deal in, sell, offer or expose for sale or exchange, any article or substance, in the semblance of or in imitation of cheese not made exclusively of unadulterated milk, or any cheese not made wholly from pure milk or cream, salt, rennet and harmless coloring matter.

SECTION 2. Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "full milk cheese," and the date of the month and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall procure and issue to the cheese manufacturers of the state, on proper application, which application shall be made on or before the first day of July, A. D. 1894, and on or before the first day of May of each year thereafter, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto and the words "Ohio state full cream cheese." Every such brand shall be used on the outside of the cheese, and upon the package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of the persons at each factory authorized to use the same. No such brand shall be used upon any other than full cream cheese or packages containing the same. The commissioner shall receive a fee of one dollar for each registration, said fee to be paid by the party applying for the same.

Branding of cheese; duties and fee of food and dairy commissioner.

SECTION 3. No person shall offer, sell, or expose for sale, in any package, cheese which is falsely branded or labeled.

Sale, etc., of falsely branded cheese prohibited.

SECTION 4. Any person violating any of the provisions of this act shall, upon conviction thereof, forfeit and pay to the state of Ohio the sum of two hundred dollars penalty for every such violation, and the costs of prosecution.

Penalty.

SECTION 5. The word "person" as used in this act, shall include persons, corporations and companies.

Person defined.

SECTION 6. An act entitled "An act to regulate the branding of cheese in the state of Ohio, and to prevent fraud in its manufacture and sale," passed March 30, 1892, is hereby repealed.

Repeals.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
291G



[Senate Bill No. 394.]

## AN ACT

To appropriate nine hundred and seventy-five (975) dollars for the repayment to Isma H. Malick of money paid by him to the state of Ohio for lands to which his deeds from the state conveyed no title.

## Preamble.

WHEREAS, On the third day of November, 1886, Isma H. Malick bought of the state of Ohio and received a deed that day, by the governor and secretary of state, made to him for certain lands in Paulding county, Ohio, to wit: The south half of the northeast quarter, and the northeast quarter of the northeast quarter of section thirty-five (35), township three (north), of range number one (1) east, containing one hundred and twenty (120) acres of land; and

WHEREAS, Said lands were embraced in the reservoir on the line of the Wabash extension of the Miami and Erie canal and a part of the public works, and said above recited deed conveyed no title, and the canal commission has since sold said lands to other persons, who are now in possession of the same; therefore,

Appropriation  
for Isma H.  
Malick.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of nine hundred and seventy-five dollars, to be paid to Isma H. Malick on the warrant of the auditor of the state of Ohio, being purchase money with interest, together with expenses defending the title to said land.

SECTION 2 This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
292G

[Senate Bill No. 407.]

## AN ACT

To regulate the sale of convict-made goods, wares and merchandise manufactured by convicts in other states.

Exposure of  
convict-made  
goods for sale  
without license  
unlawful.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person, persons or corporation to expose for sale within the state of Ohio, without first obtaining from the secretary of state a license to sell, any convict-made goods, merchandise or wares, as hereinafter provided.

**SECTION 2.** Every person, persons or corporation desiring to act as agents for or to deal in convict-made goods, merchandise or wares, before exposing such goods within the limits of the state of Ohio, shall make an application in writing to the secretary of state, setting forth his or their residence or office, the class of goods he, they or it desires to deal in, the town, village or city, giving the street number at which he, they or it intends to locate, together with names of two or more responsible citizens of the state of Ohio, who shall enter into a bond of not less than five thousand dollars to guarantee that the said applicant will, in all and every particular, comply with any and all laws of the state of Ohio regulating and prescribing the sale of convict-made goods, wares and merchandise.

Application for license.

**SECTION 3.** The secretary of state shall thereupon issue a license to such applicant for one year, except as hereinafter provided, which license shall set forth the name of such person, persons or corporation, and shall be kept conspicuously posted in his, their or its place of business.

Issue, contents and display of license.

**SECTION 4.** Such person, persons or corporation shall annually, before the fifteenth day of January in each year, transmit to the secretary of state a verified statement setting forth:

Annual statement to be returned to secretary of state.

1. The name of the person, persons or corporation.
2. His, their or its place of business.
3. The names of the persons, agents, wardens or keepers of any prison, jail, penitentiary or reformatory, or establishment using convict labor, with whom he has done business, and the person, persons or corporation to whom he has sold goods, wares or merchandise, giving the state, city or town and street number of such purchaser or purchasers.

4. In general terms the amount paid to each of such agents, wardens or keepers for goods, wares or merchandise, and the character of goods, wares and merchandise so received.

**SECTION 5.** Every person, persons or corporation shall pay annually, upon the issue of said license as hereinbefore provided, the sum of five hundred dollars to the secretary of state as a license fee, which amount shall be credited to the maintenance account of the state prison.

Annual license fee.

**SECTION 6.** Licenses shall be for one year unless revoked as subsequently provided.

Term of license

**SECTION 7.** The secretary of state shall have power to revoke the license of any person, persons or corporation upon satisfactory evidence or upon conviction for any violation of any law regulating the sale of convict-made goods, wares and merchandise; but no such revocation shall be made until after due notice to the person, persons or corporation so complained of; and for the purposes of this section the said secretary of state, or his authorized agents, shall have power to administer oath and to compel the at-

Revocation of license.

tendance of persons and the production of books, papers, et cetera.

Duties of commissioner of labor statistics and prosecuting attorney.

SECTION 8. When upon complaint or otherwise the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the prosecuting attorney of the county in which such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and the prosecuting attorney shall at once institute the proper legal proceedings to compel compliance with this act. Any person offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding ten hundred dollars nor less than fifty dollars, or to be imprisoned for a term not exceeding twelve months nor less than ten days, or both.

Penalty.

Evidence as to violations; disposition of one-half of fine.

SECTION 9. It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of such person, persons or corporation, one-half of the fine provided for by this act, which shall be secured, shall be paid to the commissioner of labor statistics, to be used by him in investigating and securing information regarding violations of this act, and in paying expenses of securing convictions for violations thereof.

Products of Ohio institutions.

SECTION 10. Nothing in this act shall affect the products of the prisons or other penal institutions of the state of Ohio.

SECTION 11. This act shall take effect and be in force from and after the first day of January, 1895.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS.

*President of the Senate.*

Passed May 19, 1894.

293G

[Senate Bill No. 415.]

## AN ACT

To amend sections 5701 and 5699 of the Revised Statutes of Ohio, as amended April 9, 1893 (O. L. of 1893, p. 30).

Divorce and alimony:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 5701 and 5699 of the Revised Statutes of Ohio, as amended April 9, 1893, be amended so as to read as follows:

Alimony and allowance pendente lite.

Sec. 5701. The court or a judge thereof in vacation may, on notice to the opposite party of the time and place of the application, grant alimony to either of the parties for his or her sustenance and expenses during the suit, and an allowance for the support of minor children dependent upon either party for support and not provided for by such

party during the pendency of the action for divorce, or alimony alone. When an appeal is taken by either party to the circuit court, that court, or a judge thereof in vacation, may grant like alimony and support during the pendency of the appeal, upon like notice. Any person or corporation having possession or control of or claiming any interest in any property, real or personal, of the party out of which the other party seeks alimony, may be made a party defendant. When it is made to appear to the court, or a judge in vacation, that a party is about to dispose of or incur his or her property, or any part thereof, so as to defeat the other party in obtaining alimony, such court or judge may allow an injunction to prevent the same, with or without bond, at discretion; and the party may sell and assign the order for alimony or allowance after the same is made.

Parties defendant.

Injunction.

Sale of order.

Sec. 5699. When a divorce is granted by reason of the aggression of the husband, the wife shall, by force of the judgment of divorce, be restored to all her lands, tenements and hereditaments, not previously disposed of, and the husband shall be barred of all right of dower therein, and if she so desire, the court shall restore to her any name she had before such marriage; she shall be allowed such alimony out of her husband's real and personal property as the court deems reasonable, having due regard to the property which came to him by marriage, and the value of his real and personal estate at the time of the divorce, which alimony may be allowed to her in real or personal property, or both or by decreeing to her such sum of money, payable either in gross or instalments, as the court deems just and equitable; and if the wife survives her husband, she shall also be entitled to her right of dower in the real estate of her husband not allowed to her as alimony, of which he was seized at any time during the coverture, and to which she had not relinquished the right of dower; but in any case, when it appears to the court that the husband is the owner of but little or no property or means, and the wife is the owner of lands or personal estate, or both, the court may adjudge to the husband such share of the wife's real or personal property, or both, or may decree to him such sum of money out of her estate, payable in gross or in instalments, as the court deems just and reasonable, having due regard to all the circumstances of the parties.

Rights of parties when divorce granted for aggression of husband.

SECTION 2. Said sections 5701 and 5699, as amended April 9, 1893, are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
294G

[Senate Bill No. 422.]

## AN ACT

To supplement section 247 of the Revised Statutes empowering city councils to require gates or flagmen at dangerous crossings.

Railroads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary section to section 247 of the Revised Statutes, with sectional number as follows:

Gates or flagmen at dangerous crossings in Hamilton.

S.c. 247c. When, in the opinion of the city council of any city of the third grade *b* of the second class, the public safety requires that a gate or gates be erected and maintained at any place where a public road or street is crossed in said city at the same level by any railroad, and which crossing has been declared by said council to be a dangerous one, or that a flagman be stationed and maintained at such dangerous crossing, council shall give the superintendent, manager or other officer in charge of such railroad, a written notice that the same is required, and such company, person or corporation owning or operating such railroad shall erect or station the same within such time thereafter as council may prescribe. After said notice has been given to the superintendent, manager or other officer in charge of such railroad that the same is required, such railroad company and said council shall agree as to whether said crossing so declared to be dangerous shall be protected by a gate or gates, or a flagman; and if they fail to come to any agreement within ten days, then the question shall be submitted to arbitrators, the council selecting one person, the railroad company one; the two thus selected shall choose a third. The arbitrators thus selected shall decide whether said dangerous crossing shall be protected by a gate or gates, or a flagman, and their decision shall be final. Any company, person or corporation neglecting or refusing to erect or maintain such gate or gates, or to maintain such flagman when so required as aforesaid, shall forfeit and pay to the state for every such neglect or refusal the sum of one hundred dollars, and the further sum of ten dollars for every day while such neglect or refusal shall continue. Provided further, that nothing herein contained shall be construed as conflicting with section 247a.

Duty of prosecuting attorney.

SECTION 2. It is hereby made the duty of the prosecuting attorney of the proper county, upon being advised of the violation of this act, to immediately commence civil action against said company, person or corporation in the name of the state for the recovery of the forfeitures and penalties imposed in this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
295G

[Senate Bill No. 367.]

## AN ACT

To amend section 2740 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2740 of the Revised Statutes of Ohio be so amended as to read as follows:

Listing personal property:

Statement of merchants.

Sec. 2740. Every person who shall own or have in his possession or subject to his control any personal property within this state, with authority to sell the same, which shall have been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this state for the purpose of being sold at any place within this state, shall be held to be a merchant; and when he shall be by this chapter required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property appertaining to his business as a merchant; and in estimating the value thereof he shall take as the criterion the average value of all such articles of personal property which he shall have had from time to time in his possession or under his control during the year next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged; and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been engaged in business, adding together such amounts and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year; provided, that no consignee shall be required to list for taxation the value of any property, the product of this state, which shall have been consigned to him, for sale or otherwise, from any place within the state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded; provided, he shall, in either case, have no interest in such property, or any profit to be derived from its sale. But no person who is engaged in the business of selling on commission and who does not retain control of such property longer than 48 hours

Consignee.

Person selling on commission.

shall be held to be a merchant within the meaning of this act.

Repeals.

SECTION 2. That section 2740 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
296G

[House Bill No. 279.]

## AN ACT

To amend section 3641*b* of the Revised Statutes, passed April 9, 1891.

Insurance companies other than life:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3641*b* of the Revised Statutes, as enacted April 9, 1891, be and the same is hereby amended so as to read as follows:

Accident and guaranty companies may insure against accidents to employes, etc.

Deposit required of foreign companies.

Sec. 3641*b*. A company heretofore organized or that may hereafter be organized to do business under clause 2 of section 3641*b*, chapter 11, title 2 of the Revised Statutes of Ohio, may make insurance to indemnify employers against loss or damage for personal injury or death, resulting from accidents to employes, or persons other than employes, subject, however, to the restrictions in said section provided; and, provided, that any company incorporated by or organized under the laws of any other state, or of a foreign government that is now doing business in this state by virtue of original section three thousand six hundred and forty-one *b*, shall, on or before the first day of April after the passage of this act, and any company incorporated by or organized under the laws of any other state or government that may desire to do business in this state, shall, before being authorized to transact such business, deposit with the superintendent of insurance, for the benefit and security of the policy-holders residing in this state, a sum not less than fifty thousand dollars, in bonds of the United States or the state of Ohio, or of any city, county, township or other municipality in the state of Ohio, which shall not be received by the superintendent at a rate above their par value; the securities so deposited may be exchanged from time to time for other like securities; so long as the company so depositing continues solvent and complies with the laws of this state it shall be permitted by the superintendent to collect the interest or dividends on such deposits. Said deposit shall be held by the superintendent of insurance for the benefit, security and protection of the policy-holders of the company residing within this state;

and it shall be stipulated by the company that such deposit is made, and such sum set aside from the general assets for that purpose, the same to be held until all claims of policy-holders within this state are adjusted. Provided further, that the provisions of chapter two, title two of the Revised Statutes of Ohio, so far as the same may be applicable and not inconsistent with the provisions of this section shall apply to such companies organized under or incorporated by the laws of another state or government.

SECTION 2. Section 3641*b*, as passed April 9, 1891, be Repeals.  
and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
297G

[House Bill No. 190.]

### AN ACT

To amend sections 247*a* and 247*b* of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 247*a* and 247*b*, Revised Statutes of Ohio, be amended to read as follows:

Sec. 247*a*. When, in the opinion of the commissioner of railroads, the public safety requires that a gate or gates, automatic alarm-bell, or other mechanical device be erected and maintained at any place where a public road or street is crossed at the same level by any railroad, and which crossing has been declared by said commissioner to be a dangerous one, or that a flagman be stationed and maintained at such dangerous crossing, he shall give the superintendent, manager or other officer in charge of such railroad, a written notice that the same is required, and such company, person or corporation owning or operating such railroad shall erect or station the same within such time thereafter as said commissioner shall prescribe. Any company, person or corporation neglecting or refusing to erect or maintain such gate or gates, automatic alarm-bell, or other mechanical device, or to maintain such flagman, when so required as aforesaid, shall forfeit and pay to the state, for every such neglect or refusal, the sum of one hundred dollars, and the further sum of ten dollars for every day while such neglect or refusal shall continue.

Commissioner  
of railroads and  
telegraphs:

Gates, alarm-  
bells, devices or  
flagmen at  
dangerous  
crossings.

Penalty.

Sec. 247*b*. All gates, bells or devices, which by the provisions of this act are under the direction of the commissioner of railroads, shall be built in such a manner, and Regulations  
as to such gates,  
bells, devices or  
flagmen.



within such a time, and of such material as shall be approved by the commissioner of railroads, and shall be located on the highway or street, on one or both sides of the railroad track or tracks as the commissioner may deem the public safety to require, and shall be so constructed as, when closed, to obstruct and prevent any passage across such railroad or railroads from the side on which the gate may be located; or said bell shall be made to ring before the approach of each and every train of cars or of a locomotive within three hundred feet of such crossing, or more, according to the speed of the train, and continue to ring until the train of cars or the locomotive shall have reached the crossing. There shall be a person in charge of every such gate and it shall be his duty to close the same at the approach of every train of cars, or of a locomotive, and to keep it open at all other times. In case an automatic alarm-bell, or other mechanical device shall be required at any such crossing, it shall be the duty of the railroad company at all times to keep such bell or device in good working order. For every neglect of such duty such person or railroad company, upon conviction thereof, shall pay the sum of twenty-five dollars. When more than one railroad crosses a public highway or street at such dangerous crossing, the expense incurred in the erection and maintenance of gates, bells or device provided for in this section, and of the necessary gate-keepers, or of a flagman, shall be shared equally by the railroad companies alongside whose tracks the gates, bells or device shall be located. Provided that an automatic alarm-bell, or other mechanical device as provided for in this and the preceding section, shall not be erected within the limits of any city of the first class or of any city of the first, second, third, and fourth grades of the second class, upon the order of the commissioner of railroads and telegraphs; but nothing herein contained shall prohibit any railroad company from using such automatic alarm-bell or other mechanical device, if it desire, at any public railroad crossing not declared dangerous by said commissioner of railroads and telegraphs; and provided further, that where a gate or gates, has or have been erected, and is or are maintained by the railroad company, or where a flagman has been stationed and is maintained by the railroad company, shall not be abandoned, and any automatic alarm-bell or other mechanical devices be substituted therefor.

Repeals.

SECTION 2. Said original sections 247a and 247b are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate*

Passed May 19, 1894.

298G

[House Bill No. 646.]

## AN ACT

To amend section 4889 of the Revised Statutes, as amended March 31, 1892 (89 O. L., 203).

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 4889 of the Revised Statutes be amended so as to read as follows:

**Sec. 4889.** Each township in the counties of Belmont, Brown, Butler, Carroll, Champaign, Clermont, Clinton, Columbiana, Cuyahoga, Darke, Delaware, Erie, Fayette, Franklin, Geauga, Greene, Hamilton, Harrison, Henry, Licking, Lucas, Madison, Montgomery, Muskingum, Ottawa, Preble, Portage, Pickaway, Ross, Stark, Summit, Trumbull, Tuscarawas, Washington, Warren and Wayne in which any such free road is located, shall be a road district for the care and maintenance thereof.

Repair of improved roads:

Townships in certain counties made road districts.

**SECTION 2.** That section 4889 of the Revised Statutes is hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
299G

[House Bill No. 657.]

## AN ACT

To amend section 1 of an act entitled "An act to regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of business, and a person upon whom process may be served in actions against such corporations," passed April 25th, 1893 (vol. 90, O. L., page 261).

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That no foreign stock corporation, other than a banking or insurance corporation, shall do business in this state without first having procured from the secretary of state a certificate that it has complied with all the requirements of law to authorize it to do business in this state, and that the business of the corporation to be carried on in this state is such as may be lawfully carried on by a corporation incorporated under the laws of this state for such or similar business, or if more than one kind of business, by two or more corporations so incorporated for such kinds of business exclusively. The secretary of state shall deliver such certificate to every such corporation so complying with the requirements of the laws of this state.

Certificate for foreign stock corporation required to procure from secretary of state.

Requirements  
before certifi-  
cate granted.

Office or place of  
business and  
powers of des-  
ignated person  
upon whom  
process may be  
served; term of  
such designa-  
tion.

Revocation of  
authority to do  
business; ser-  
vice of process  
upon secretary  
of state.

Fee to be paid  
at time of such  
service; duty of  
secretary of  
state.

Fees for issuing  
certificates.

No such corporation now doing business in this state shall do business herein after July 31, 1893, without having procured such certificate from the secretary of state; but any lawful contract previously made by such corporation may be performed and enforced within the state subsequent to such date. No such foreign stock corporations doing business in this state without such certificate, shall maintain any action in this state upon any contract made by it in this state until it shall have procured such certificate. Before granting such certificate, the secretary of state shall require every such foreign corporation to file in his office a sworn copy of its charter or certificate of incorporation, and a statement under its corporate seal particularly setting forth the amount of capital stock, the business or objects of the corporation which it is engaged in carrying on, or which it proposes to engage in or carry on within this state, and a place within this state which is to be its principal place of business, and designating in the manner prescribed in the code of civil procedure in this state, a person upon whom process against such corporation may be served within this state. The person so designated must have an office or place of business at the place where such corporation is to have its principal place of business within this state. Such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process against such corporation may be served in this state. Any agent so designated by such foreign corporation may, in the name and on behalf of such corporation, bring or prosecute actions in any of the courts of this state in the same manner and with like effect as if done by an officer of such corporation. If the person so designated die or remove from the place where such corporation has its principal place of business within this state, and such corporation does not, within thirty days after such death or removal, designate in like manner another person upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporation in actions upon any liability incurred within this state before such revocations, may, after such death or removal, and before another designation is made, be served upon the secretary of state. At the time of such service the plaintiff shall pay to the secretary of state two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such notice to such corporation, if its address or the address of any officer thereof is known to him. For each certificate thus issued by the secretary of state he shall be entitled to receive and shall be paid fees according to the amount of capital stock of each such corporation, as follows:

\$100,000 or less, \$15.

More than \$100,000 and not exceeding \$300,000, \$20.

More than \$300,000 and not exceeding \$500,000, \$25.

More than \$500,000 and less than \$1,000,000, \$30.  
\$1,000,000 or more, \$50.

Which fees and the several sums of two dollars above named are to be paid by him to treasurer of state to credit of general revenue fund. Provided that such foreign corporations as comply with the provisions of section 148c of the Revised Statutes as amended May 16, 1894, shall not be subject to process of attachment under section 5521 Revised Statutes or any law of Ohio, upon the ground, that it is a foreign corporation or a non-resident of this state.

Disposition of fees.

Exemption from process of attachment.

SECTION 2. That the said original section 1 of said act passed April 25th, 1893, be and the same is hereby repealed and this act shall take effect and be in force from its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

300G

[House Bill No. 733.]

### AN ACT

Relating to appointments of arbitrators and umpires.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case where arbitrators and umpires are selected to ascertain a loss under any insurance policy issued on property in this state, said arbitrators and umpires shall be residents of the county in which such loss has occurred, at least one year prior to the said loss.

Residence required of arbitrators and umpires selected to ascertain loss under insurance policy.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

301G

[House Bill No. 794.]

### AN ACT

To prohibit the use of fictitious names in partnership.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That except as otherwise provided in the next section, every partnership transacting business in this state under a fictitious name, or a designation not showing the names of the persons interested as partners in such business, must file with the clerk of the court of common

Certificate certain partnerships required to file and publish.

pleas of the county in which its principal office or place of business is situated, a certificate stating the names in full of all the members of such partnership and their places of residence, and publish the same once a week for three successive weeks in a newspaper published in the county, if there be one, and if there be none published in such county, then in a newspaper published in an adjoining county.

Foreign partnerships excepted.

SECTION 2. A commercial or banking partnership, established and transacting business without the United States, may, without filing the certificate or making the publication prescribed in the foregoing section, use in the state the partnership name used by it there, although it be fictitious or does not show the names of the persons interested as partners in such business.

Signing and acknowledgment of certificate.

SECTION 3. The certificate filed with the clerk of the court of common pleas provided in section one of this act, must be signed by the partners and acknowledged before some officer authorized to take acknowledgments of conveyances of real estate.

New certificate and publication on change in membership.

SECTION 4. On every change in the members of a partnership transacting business in this state under a fictitious name or designation which does not show the names of the persons interested as partners in the business, except in the cases mentioned in section two of this act, a new certificate must be filed with the clerk of the court of common pleas, and a new publication made, as required by this act, on the formation of such partnership.

Register of partnerships and partners.

SECTION 5. Every clerk of the court of common pleas must keep a register of the names of firms and persons mentioned in the certificates filed in his office pursuant to this act, entering in alphabetical order the name of every such partnership, and of each partner interested therein.

Actions.

SECTION 6. That after the passage and approval of this act, any persons doing business as partners contrary to the provisions of this act, shall not maintain an action on or on account of any contracts made, or transactions had in their partnership name in any court of this state, until they shall have first filed the certificate and made the publication herein required; provided, however, that if such partners shall at any time comply with the provisions of this act, then such partnership shall have the right to maintain an action on all such partnership contracts and transactions entered into prior as well as after such compliance with this act.

Evidence.

SECTION 7. Copies of the entries of a clerk of the court of common pleas, as herein directed, when certified by him, and affidavits of publication, as herein directed, made by the printer, publisher or chief clerk of a newspaper, are presumptive evidence of the facts therein stated.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
 302G

[House Bill No. 826.]

## AN ACT

Making appropriations to pay members of the first infantry, O. N. G., for per diem and subsistence when called into service by the mayor of Cincinnati, Hamilton county, Ohio, to act in aid of the civil authorities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of eighteen hundred and ninety-two dollars (\$1,892), to pay the officers and men detailed from the first infantry for per diem and subsistence when called into service by the mayor of Cincinnati, Hamilton county, Ohio, to act in aid of the civil authorities from February 23 to April 8, 1894, both days inclusive.

Appropriation  
 for first in-  
 fantry, Ohio  
 national guard.

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
 303G

[House Bill No. 912.]

## AN ACT

For the relief of C. M. Fisher, late private Co. G, 14th regiment of infantry, Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio, be and he is hereby authorized and required to issue his warrant on the state treasury to pay to C. M. Fisher, late private of Co. G, 14th regiment of infantry, Ohio national guard, the sum of seven hundred and fifty dollars, which sum shall be in full liquidation and payment of said C. M. Fisher for loss through injuries received by him in the discharge of duty as a member of the Ohio national guard while aiding the

Appropriation  
 for C. M. Fisher.

civil authorities, in maintaining the peace in Cincinnati in 1886.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
804G

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[House Bill No. 1011.]

### AN ACT

To reimburse W. S. Chenoweth, sheriff of Madison county, for money expended.

Appropriation  
for W. S. Chen-  
oweth.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ninety-seven dollars and fifty cents (\$97.50) for the purpose of paying expenses incurred by said W. S. Chenoweth as sheriff of Madison county in his efforts to preserve peace and restore property unlawfully taken from the owners thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
805G

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[House Bill No. 1022.]

### AN ACT

Making appropriations to pay the members of the 14th infantry and battery "H," 1st light artillery, Ohio national guard, for per diem and subsistence when called into service by the governor of Ohio, to act in aid of the civil authorities.

Appropriation  
for Ohio nation-  
al guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys credited to the general revenue fund not otherwise appropriated, the sum of twelve hundred and eighty-three dollars and forty cents (\$1,283.40) to pay the officers and men of the 14th infantry and battery "H," first light artillery, Ohio national guard, for per diem and subsistence when called into service by the governor of Ohio April 28th and 29th, 1894, to act in aid of the civil authority.

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
306G

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[House Bill No. 1070.]

### AN ACT

**Making appropriation for salary of dairy and food commissioner.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of five hundred (\$500) dollars for salary of the dairy and food commissioner for year ending February 15th, 1895.

Appropriation  
for dairy and  
food commis-  
sioner.

SECTION 2. This act shall take effect on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
307G

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[Senate Bill No. 40.]

### AN ACT

To amend section 7014 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7014 of the Revised Statutes of Ohio, as amended March 8, 1882, be amended to read as follows:

Offenses against  
public policy:

Sec. 7014. Whoever sells, assigns or transfers any claim or [for] debt against a resident of this state for the purpose of having the same collected by proceedings in attachment in courts outside the state, or whoever, with intent to deprive a resident of this state of a right to have his personal earnings exempt from application to the payment of his debts, sends out of this state any claim for debt against such person for the purpose aforesaid, where the creditor and debtor and the person or corporation owing the money intended to be reached by such proceedings are within the jurisdiction of the courts of this state, shall be fined not more than fifty nor less than twenty dollars, and the person whose personal

Selling, assign-  
ing, transfer-  
ring, sending or  
purchasing  
claim to be col-  
lected by attach-  
ment outside of  
state; penalty.



earnings are so attached shall have a right of action before any court of this state having jurisdiction, to recover the amount attached, and any costs paid by him in such attachment proceedings, either from the person so assigning, selling, transferring or sending such claim out of this state to be collected as aforesaid, or the person to whom such claim is assigned, sold, transferred or sent as aforesaid, or both, at the option of the person bringing such suit. The assignment, sale, transfer or sending of such claim to a person not a resident of this state, and the commencement of such proceedings in attachment shall be considered prima facie evidence of a violation of this section; and any person, or the agent of such person, who purchases any claim within this state with the intent aforesaid, shall be subject to the fine herein provided.

SECTION 2. This act to take effect on and after January first, 1895.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

308G

[Senate Bill No. 190.]

## AN ACT

To further supplement section 2669 of the Revised Statutes of Ohio.

Licenses:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2669 of the Revised Statutes be supplemented by a supplemental section additional to those already in force with section renumbering as follows:

Licensing of  
advertising  
mediums and  
matters.

Sec. 2669c. That the council of any city or village may provide by ordinance for licensing bill-posters, advertising sign-painters, bill-distributers, card-tackers, and advertising matter of any article or compound which has not been manufactured or compounded within the corporation limits of such municipality. In granting such license said council may exact and receive such sums of money as it may think expedient, and may delegate to the mayor of such city the authority to grant and issue such license and revoke the same. Providing, that nothing in this section shall be construed to authorize the council of any city or village to exact and receive a license fee from merchants doing business in such city or village, for advertising their own business.

SECTION 2. That this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 809G

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[Senate Bill No. 285.]

### AN ACT

To amend section 7379 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7379 of the Revised Statutes of the state of Ohio be amended to read as follows:

Sec. 7379. The sheriff shall provide for all prisoners fuel, bed, clothing, washing, and nursing when required, and except for those confined in jail for debt only, board and such other necessities as the court in its rules shall designate; and in counties containing a city of the first grade second class, he may cause photographs of prisoners to be taken at an expense not to exceed one hundred dollars annually; and he shall be allowed and paid by the county, for services required by the provisions of this chapter, such compensation as the commissioners may prescribe.

Jails--sustenance of prisoners:

What the sheriff shall provide; Franklin county.

SECTION 2. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 810G

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[Senate Bill No. 359.]

### AN ACT

Providing for the issuing of registered bonds by cities, villages, county and school districts, and their exchange.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city, village, county or school district of this state, which has been or hereafter may be authorized to issue bonds, shall, on demand of the owner and holder of any of its coupon bonds heretofore or hereafter issued, issue in lieu thereof registered bonds of such city, village, county or school district; the owner and holder asking for exchange of bonds shall pay a reasonable

Exchange of city village, county or school district bonds.

Exchange of  
city, village,  
county or school  
district bonds.

compensation to cover expense of such exchange, which shall be of the same denomination, in excess of five hundred dollars, as the owner or holder may desire, bear the same rate of interest, and be payable at the same time, both as to interest and principal, as the coupon bonds for which they are exchanged; such coupon bonds, when so exchanged, shall be canceled and filed in the manner provided for bonds redeemed; a book shall be kept in each of the offices of the auditor and treasurer of any such city, clerk and treasurer of any such village, auditor and treasurer of any such county, and clerk of the board of education of any such school district, in which shall be entered the date, number, series, denomination, and owner of such registered bonds, and the number and series of the coupon bond for which it was exchanged; the interest and principal of such registered bonds shall, when due, be paid only to the order of the person, corporation or firm who appears by such books to be the owner thereof; and such registered bonds may be transferred on such books by the owner in person, or by a person authorized so to do by power of attorney, duly executed; and in such case the power of attorney shall be filed and carefully preserved in the office of the treasurer of any such city, village, county or school district, that the exchange and registering of bonds required by this act shall be transacted by the mayor and clerk of any such city or village, the auditor and treasurer of any such county, and the president and clerk of the board of education of any such school district, at their business offices, and they shall keep a registry for that purpose; that the exchange and registering of bonds required by this act shall be transacted by the trustees of the sinking fund of such city at their business office, where a registry shall be kept for that purpose; but no bond so issued in exchange for other bonds shall be of a smaller denomination than one thousand dollars, unless and to the extent that the bonds offered for exchange are themselves of smaller denomination than one thousand dollars, and in no case shall such new bonds, when of denomination smaller than one thousand dollars, be for any other denomination than five hundred dollars. No bond, in lieu of a bond returned for cancellation, shall be issued until the same shall have been registered as herein provided. The bonds and coupons so exchanged for registered bonds, and all other bonds and coupons issued by such city, as to which both the bonds and coupons belonging to it have been fully paid, shall be canceled and destroyed by the mayor and clerk of any city or village issuing the same, the auditor and treasurer of the county, president and clerk of the board of education issuing the same, who shall at the time sign a certificate containing a description of the bonds and coupons so canceled and destroyed, of the fact and method of destroying the same, the place and time thereof, and that they were witnesses of these transactions, stating who, if any others, were present, and such certificate shall be preserved in such manner as said officers may provide.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.

311G

[Senate Bill No. 385.]

## AN ACT

To amend section 1772 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1772 of the Revised Statutes be amended so as to read as follows:

Village treasurer:

Deposit of village funds.

Sec. 1772. The moneys of a village shall be kept in a burglar-proof safe belonging to said village, if such there be; provided, however, that in any village the treasurer or person intrusted with the funds of the same may, with the consent of the council of such village and bondsmen of such village treasurer, deposit such funds in a bank or other safe place, subject to the order of the treasurer or person making the deposit, subject to such terms and conditions as to collateral security from such bank, or person receiving such deposit, as council shall by resolution direct; and the failure or inability on the part of any individual, corporation or firm, with whom the funds of any village may have been deposited in accordance with the foregoing provisions, to refund the same, shall release the treasurer or other person making such deposit from liability to such village for the loss thereof.

SECTION 2. That said original section 1772 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.

312G

[Senate Bill No. 302.]

## AN ACT

To regulate the height of bridges, viaducts, overhead roadways and foot-bridges over railroad tracks.

SECTION 1. *Be it enacted by the General Assembly*

Required height of bridges, viaducts, roadways, wires, etc., over railroad tracks.

Cost of change of grade and damages caused thereby.

Enforcement of act: filing of plans and specifications and granting of permit.

Penalty.

Injunction.

*of the State of Ohio*, That all bridges, viaducts, overhead roadways or foot-bridges, wire and other structure hereafter constructed over the track or tracks of any railroad or railroads within the state of Ohio, by any county, municipality, township, railroad company, or other private corporation or person shall be of such height as to be not less than twenty-one feet in clear from the top surface of the rails of said track or tracks, to said wire and other structure or to the bottom of the lowest sill, girder or cross-beam, and the lowest downward projection on such bridge, viaduct, overhead roadway or foot-bridge. Provided, that where any bridge, viaduct, overhead roadway or foot-bridge over a railroad track or tracks, is rebuilt, it shall be brought under the provisions of this act, and in such case, if said structure is at, or in line of, a public street or highway, and is thus erected above the grade of any such street or highway, thereby making it necessary to raise the grade of such street or highway and any cross-street or streets, the cost of making such street or streets or highway or highways conform to such new grade, and all damages to owners of property abutting on such street or streets, highway or highways, because of such change of grade, shall be ascertained and determined, and paid as follows: Said or any railroad company or its assigns shall pay all costs and damages resulting, as aforesaid, from the raising or building of any of its bridges or structures, as aforesaid, in the line of any street or highway at a greater height than before the passage [of] hereof; and if any such company is only part owner of any such structure it shall pay its proportionate share of the cost of such change of grade and damages. Should a railroad company, or its assigns, raise the grade of its track or tracks under any of said structures not owned by it after the passage of this act, thereby causing any said bridge or structure to be put at a higher grade when rebuilt, said company shall pay all costs and damages as aforesaid made necessary thereby.

SECTION 2. It is hereby made the duty of the commissioner of railroads [and] telegraphs to see that the provisions of this act are carried into effect; and every railroad company in the state of Ohio, public or private corporation, or person building, or permitting to be built, any bridge, viaduct, overhead roadway or foot-bridge, or wire and other structure as specified in section one of this act, shall file with the said commissioner plans and specifications, and first receive from him a permit before being allowed to proceed with said structure and the erection of said wire. Any person, corporation, public or private, violating the provisions of this act, upon conviction before a court of competent jurisdiction, shall be fined any sum not less than one hundred nor more than one thousand dollars; and every day that said structure or wire, not in conformity to the provisions of this act, is permitted to remain, shall constitute a separate offense. The observance of the provisions

of this act may be enforced by injunction on complaint of any person, corporation or board interested therein.

SECTION 3. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

818G

[Senate Bill No. 382.]

## AN ACT

To amend section 1652 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1652 be so amended as to read as follows:

General powers  
of trustees of  
hamlets:

Sec. 1652. No ordinance providing for the opening or widening of any road, street or alley, or the appropriation of land therefor, and no ordinance providing for any improvement, the cost of which, or any part thereof, shall be specially assessed upon any lands in the hamlet, shall be passed except upon the petition of two-thirds of the owners of lots or lands through or along which the road, street, alley, sewer or other improvement, or part thereof, to be opened, widened, improved or lighted, shall pass; provided, however, that in counties containing a city of the first grade of the first class, all the provisions of chapter four, division seven, of this title, affecting or relating to villages, shall apply to and affect hamlets situated therein, and wherever the word "council" occurs in said chapter, the same shall be held to apply to and include the trustees of the hamlet.

Limitation on  
such powers

Hamilton  
county hamlets

SECTION 2. That said original section 1652, as amended April 27, 1893, be and the same is hereby repealed, and this act shall take effect from and after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

814G

[Senate Bill No. 437.]

## AN ACT

To amend supplemental section 1292a of the Revised Statutes of Ohio, passed February 13, 1883.

Salaries of officers:

Additional salaries Lucas common pleas judges.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 1292a of the Revised Statutes of Ohio, passed February 13, 1883, be amended so as to read as follows:

Sec. 1292a. The judges of the court of common pleas, residing in Lucas county, may, providing the county commissioners allow the same, each, in addition to the salary now paid judges of the court of common pleas out of the state treasury, receive out of the treasury of Lucas county one thousand five hundred dollars, or any part thereof, annually, to be paid them at the same time and in like manner as provided by law for the payment of salaries of judges out of the state treasury.

SECTION 2. Said original supplemental section 1292a, is hereby repealed, and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

315G

[Senate Bill No. 440.]

## AN ACT

Making appropriations to pay officers and men of company F, second regiment infantry, O. N. G., for per diem, subsistence and transportation when called into service by the sheriff of Logan county, Ohio, to act in aid of the civil authorities.

Appropriation for second infantry, Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of one hundred and twenty-seven dollars and fifteen cents (\$127.15) to pay the officers and men detailed from the second infantry for per diem, subsistence and transportation when called into service by the sheriff of Logan county, Ohio, to act in aid of the civil authorities April 15th, 1894.

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
316G

[Senate Bill No. 441.]

### AN ACT

To amend supplementary section 2680*b* of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2680*b* of the Revised Statutes of Ohio be amended to read as follows: Libraries:

Sec. 2680*b*. That in all counties in which there is such library association mentioned in section 2680, and in which there is a city of the third grade *b* of the second class, containing a free library and in which there is no such police court, that one-half of all fines and penalties which are assessed and collected by the mayor of said city, prosecuted in the name of the state or city, shall be paid quarterly by said mayor to the trustees of such library association, to be expended in the purchase of law books and the maintenance of such association; and the other half shall be paid quarterly by said mayor to the trustees of said free library to be expended in like manner, but the sum so paid shall not exceed five hundred dollars per annum, and should be subject in all other respects to the provisions contained in section 2680. Appropriation of certain fines to use of libraries in Butler county.

SECTION 2. That said original supplementary section 2680*b* of the Revised Statutes of Ohio, passed May 10th, 1894, be and the same is hereby repealed and this act shall take effect on its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
317G



[House Bill No. 69.]

## AN ACT

To provide for licenses for honorably discharged soldiers or sailors of the war for the union, to peddle, hawk and auction goods, and to supplement section 4398 of the Revised Statutes of the state of Ohio.

Peddlers:

Fee to be paid  
by honorably  
discharged  
soldier or sailor  
for peddler's  
license.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 4398 of the Revised Statutes of the state of Ohio, and bear the sectional number 4398a.

Sec. 4398a. Any applicant for license, as provided for in section 4398 preceding, who proves, to the satisfaction of the auditor to whom such application is made, that the applicant had served as a soldier or sailor in the service of the United States during the late rebellion, and had been honorably discharged therefrom, shall pay for such license, to such auditor, the sum of fifty cents and no more, which sum of fifty cents shall be the fee of such auditor for issuing such license.

Privileges and  
term of license.

Revocation of  
license.

Cincinnati.

SECTION 2. Such license so granted to any honorably discharged soldier or sailor, as provided for in section 1 of this act, shall grant the privilege to the one so licensed to pursue his calling within the limits of the state of Ohio, for the term of one year from the date of such license, and shall exempt him from paying any municipal or other license during the period covered by the license issued to him by such auditor. It shall, however, be competent for such municipal authorities issuing such license to revoke and cancel it whenever it is shown to their satisfaction that such person has been guilty of any wrongful act in connection with any such business or is not otherwise a fit person to be engaged in such business, and provided further that the provisions of this act shall not apply to corporations containing cities of the first grade of the first class.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

818G

[House Bill No. 253.]

## AN ACT

To amend section 63 of the Revised Statutes of Ohio.

Annual reports  
of state officers  
and boards:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 63 of the Revised Statute be amended so to read as follows:

Sec. 63. There shall be printed, the number herein after stated of each of the annual reports of the following officers and boards:

Number of reports to be printed; how distributed.

Secretary of state, including statistics: For the secretary, five thousand copies; for each member of the general assembly, one hundred and twenty copies.

Auditor of state, including detailed statement of receipts and disbursements: For the auditor, one thousand copies; for each member of the general assembly, fifteen copies.

Treasurer of state: For the treasurer, three hundred copies.

Sinking fund commissioners: For the commissioners, two hundred copies.

Attorney-general: For the attorney-general, two hundred copies.

Commissioner of common schools: For the commissioner, five thousand copies; for each member of the general assembly, one hundred copies; for each board of county school examiners, one hundred copies for distribution among teachers, boards of education, and special school boards.

Commissioners of the state library: For the commissioners, four hundred copies.

Supervisor of public printing: For the supervisor, two hundred copies.

Commissioner of railroads and telegraphs: For the commissioner, one thousand copies; for each member of the general assembly, five copies; each copy to contain a correct railroad map of the state; of railroad maps, mounted on cloth paper and rollers, for the commissioner, one thousand copies; for each member of the general assembly, one hundred and twenty-five copies; of railroad maps in pocket edition form, for the commissioner, one thousand copies; for each member of the general assembly twenty-five copies; provided, however, that the commissioner of railroads and telegraphs shall control the publication and distribution of the same.

Commissioners of fisheries: For the commissioners, five hundred copies.

State inspector of oils: For the inspector, three hundred copies.

Adjutant-general: For the adjutant-general, six hundred copies.

Board of public works: For the board, three hundred copies.

Warden and directors of the penitentiary: For the warden and directors, five hundred copies.

Institution for the education of the deaf and dumb: For the institution, one thousand copies.

Institution for the education of the blind: For the institution, five hundred copies.

Columbus asylum for the insane: For the superintendent, five hundred copies.

Reports of state  
officers and  
boards, etc.

Athen's asylum for the insane: For the superintendent, five hundred copies.

Dayton asylum for the insane: For the superintendent, five hundred copies.

Cleveland asylum for the insane: For the superintendent, five hundred copies.

Longview asylum for the insane: For the superintendent, five hundred copies.

Boys' industrial school: For the superintendent, five hundred copies.

Girls' industrial home: For the superintendent, five hundred copies.

Institution for idiotic and imbecile youth: For the institution, one thousand copies.

Board of state charities: For the board, two thousand copies.

Soldiers' and sailors' orphans' home: For the board of trustees, one thousand copies.

Soldiers' and sailors' home: For the board of trustees, five hundred copies.

Ohio state university: For the trustees and officers, five thousand copies.

Inspector of mines: For the inspector, four thousand copies; for each member of the general assembly, twenty-five copies.

Commissioner of statistics of labor: For the commissioner, forty-five hundred copies; for each member of the general assembly, fifty copies.

Superintendent of insurance: For the superintendent of the fire and life insurance report, three thousand copies; for each member of the general assembly, of the fire and life insurance report, ten copies.

Meteorological bureau: For the board of directors, two thousand copies.

Inspector of shops and factories: For the inspector, four thousand copies; for each member of the general assembly, ten copies.

Forestry bureau: For the board of directors, two thousand copies.

State board of agriculture: For the board, five thousand copies; for each member of the general assembly, one hundred and thirty copies.

Reports to be  
printed in the  
German lan-  
guage.

The report of the secretary of state, of commissioner of labor statistics, of the inspector of shops and factories, and the state board of agriculture, shall also be printed in the German language; and the secretary of state shall ascertain from each member of the general assembly how many of the copies to which he is entitled he wishes in the German language and the aggregate number so determined shall be printed in German and distributed to the members of the general assembly accordingly. The several reports furnished to members of the general assembly shall be boxed and directed to the members, in care of the county auditor of the county where they respectively reside, unless the

Transportation  
of reports to  
members of the  
general assembly.

members shall otherwise direct; and the charges for transportation of such reports shall be paid in the same manner as is provided by law for the distribution of laws and journals.

SECTION 2. That section 63 of the Revised Statutes is hereby repealed, and all acts and parts of acts inconsistent herewith are hereby repealed and declared void as to such inconsistency, and this act shall take effect on its passage. Repeals etc

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

319G

[House Bill No. 428.]

### AN ACT

To amend sections 7, 9, 13 and 16 of an act entitled "An act to provide for a state board of arbitration for the settlement of differences between employers and employees," passed March 14, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 7, 9, 13 and 16 of the above entitled act be and the same are hereby amended so as to read as follows: State board of arbitration and conciliation:

Sec. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application, without any lockout or strike, until the decision of said board, if it shall be made within ten days of the date of filing said application; provided, a joint application may contain a stipulation that the decision of the board under such joint application shall be binding upon the parties to the extent so stipulated, and such decision to such extent may be made and enforced as a rule of court in the court of common pleas of the county from which such joint application comes, as upon a statutory award. Contents of application; enforcement of decision in certain case.

Sec. 9. The board shall have power to subpoena as witnesses any operative in the department of business affected, or other persons shown by affidavit, on belief or otherwise, to have knowledge of the matters in controversy or dispute, and any who keeps the records of wages earned in such departments, and examine them under oath touching such matters, and to require the production of books or papers containing the record of wages earned or paid. Subpoenas may be signed and oaths administered by any member of the board. A subpoena or any notice may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same, as the case may be, and make due return thereof according to directions, and for Power to subpoena, swear and examine witnesses require production of documents and enforce order and obedience; service of subpoena, etc.; fees of officer.

such service he shall receive the fees allowed by law in similar cases, payable from the treasurer of the county wherein the controversy to be arbitrated exists, upon the warrant of the county auditor, issued on the certificate of the board that such fees are correct and due. And the board shall have the same power and authority to maintain and enforce order at its hearings and obedience to its writs of subpoena as by law conferred on the court of common pleas for like purposes.

Mayor or probate judge to notify state board of strike or lockout.

State board to communicate with employer and employees.

Sec. 13. Whenever it is made to appear to the mayor of a city or village, or the judge of a probate court of a county, that a strike or lockout is seriously threatened, or actually occurs, the mayor of such city or village, or the judge of the probate court of the county, shall at once notify the state board of the facts. Whenever it shall come to the knowledge of the state board, either by the notice from the mayor of a city or village, or the judge of the probate court of the county, as provided in the preceding part of this section, or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in any city, village or county of this state, involving any employer and his present or past employees, if at the time he is employing, or, up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in any city, village or county in the state, it shall be the duty of the state board to put itself in communication, as soon as may be, with such employer and employees.

Annual report of state board.

Sec. 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the friendly relations of, and to the speedy and satisfactory adjustment of disputes between employers and employees.

Repeals, etc.

SECTION 2. Said original sections 7, 9, 13 and 16 are hereby repealed, and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

320G

[House Bill No. 580.]

## AN ACT

To enact supplementary section 6968d.

Fish:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6968, Revised Statutes, be supplemented by enacting supplementary section 6968d.

**Sec. 6968d.** Any person may, in any of the waters of the Scioto, Muskingum and Miami rivers catch fish in the varieties known as suckers, mullets, red-horse and German carp with a dip-net, the dimensions of which shall not be greater than eight feet in length or breadth.

Varieties of fish may be caught with dip-net in certain rivers.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
321G

[House Bill No. 656.]

## AN ACT

**To amend section one of an act entitled "An act for the relief of certain persons who formerly held lands in the Virginia military district of Ohio," passed April 21, 1893.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act for the relief of certain persons who formerly held lands in the Virginia military district of Ohio," passed April 21, 1893, be amended so as to read as follows:

Virginia military district:

**Sec. 1.** That all persons who were in possession of lands in the Virginia military district under claim of title of an unpatented survey or part thereof, said lands having been occupied and improved by said persons in possession or those under whom they claim title for more than twenty-one years and were compelled by suit, or the fear thereof, to pay the Ohio state university for said lands, are hereby authorized to present a statement of the amount of money so paid by them, together with all the facts relating to the land held by them and their title thereto, to a board composed of the secretary of state, auditor of state and attorney-general, who are hereby authorized and empowered to examine such statements and call for and examine such other testimony as they see fit, and if upon such examination said board are satisfied that said persons are justly entitled to relief as those persons were who have obtained relief under the provisions of the aforesaid act, then said board shall determine how much said party has wrongfully paid and issue an order to the auditor of state directing him to draw his warrant on the treasurer of state for the said amount in behalf of the person filing said statement, provided that where such claims have been heretofore as [or] shall hereafter be allowed by said board, the auditor of state shall add the amount thereof to that part of the irreducible debt of the state which constitutes the endowment fund of said Ohio state university.

Relief of persons who wrongfully paid for lands in Virginia military district,

Duty of auditor of state as to amounts allowed.

Appropriation.

SECTION 2. That there be and hereby is appropriated out of any money in the state treasury to the credit of the Ohio state university fund the sum of three hundred dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

322G

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[House Bill No. 880.]

### AN ACT

To amend section 1163 of the Revised Statutes of Ohio.

County survey-  
or:

Election and  
term.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1163 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 1163. There shall be elected triennially, in each county, a county surveyor, whose term of office shall be three years, beginning on the first Monday of September next after his election.

SECTION 2. That said original section 1163 of the Revised Statutes be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

323G

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[House Bill No. 1059.]

### AN ACT

To supplement section 917 of the Revised Statutes of Ohio.

County commis-  
sioners:

Printing and  
distribution of  
annual report in  
Wyandot  
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 917 of the Revised Statutes of Ohio, be and the same is hereby supplemented as follows:

Sec. 917a. That in counties which by the federal census of 1890, had a population of not less than twenty-one thousand seven hundred and twenty (21,720) and not more than twenty-one thousand seven hundred and thirty (21,730), the detailed annual report of the county commissioners

shall be printed on folding circulars, by the lowest responsible bidder therefor, and said printed report shall be delivered to the treasurer of such counties, who shall deliver to each of the taxpayers of said counties one copy of said report each year when said taxpayers make their annual or semi-annual payment of taxes. The commissioners of each of said counties shall constitute a board for the purpose of letting the contracts for printing said report as above provided. That said board shall organize and its clerk shall notify, each year, in writing, each publisher within the county of the time and place such printing and publishing of said annual report will be let. Such notice shall be given at least two weeks before the day said contract is to be let. Said board shall have power to reject any or all bids and renotify publishers to rebid for said printing. Said clerk shall keep a record of said notice and of all bids received, and contracts let, for printing and publishing in a book kept for that purpose, which record shall be open to public inspection. Said clerk shall receive for his services in making and keeping said record the sum of eight cents per hundred words, which shall be paid out of the county treasury upon the warrant of the county auditor.

SECTION 2. This act shall take effect and be in full force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
324G

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[House Bill No. 1091.]

### AN ACT

To amend section 2269 of the Revised Statutes of Ohio as amended February 8th, 1894. and to amend supplemental section 2264b as passed February 8th, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2269 of the Revised Statutes of Ohio as amended February 8th, 1894, and supplemental section 2264b, as passed February 8th, 1894, be and the same are hereby amended to read as follows:

Sec. 2264b. In cities of the first and third grade of the first class, in making assessments as provided for in section 2264 of the Revised Statutes said assessments may be made on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, or according to the value of the property assessed, or by the abutting foot of the property bounding

Assessments:

Rules governing  
levy of special  
assessments in  
Cincinnati and  
Toledo.



and abutting the improvement, in the manner and subject to the restrictions provided in said section 2264.

Rules govern-  
ing levy of special  
assessments  
according to  
valuation.

Sec. 2269. In making special assessments, according to valuation, the council shall be governed by the assessed value of the lots, if the land is subdivided and the lots are numbered and recorded; but if the lots are not assessed for taxation, or if there is land not subdivided into lots, the council shall fix the value of the lots or the value of the front of such land to the usual depth of lots, by the average of two blocks, one of which shall be next adjoining on either side; and if there are no blocks so adjoining, the council shall fix the value of the lots or lands to be assessed so that it will be a fair average of the assessed value of other lots in the neighborhood, and if in making a special assessment by the foot front, or in cities of the first and third grade of the first class by the abutting foot, there is land bounding or abutting upon the improvement not subdivided into lots, the council shall fix the depth of such land so that it will be a fair average depth of the lots in the neighborhood, which shall be subject to such assessment; and this section shall be applicable to special assessments provided for in this chapter, excepting assessments according to benefits.

Cincinnati and  
Toledo.

Repeals, etc.

SECTION 2. That section 2269 of the Revised Statutes of Ohio as amended February 8th, 1894, and supplemental section 2264b, as passed February 8th, 1894, be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

325G

[House Bill No. 230.]

## AN ACT

To supplement section 2333 of the Revised Statutes of Ohio, with sectional number 2333a.

Assessments—  
sidewalks and  
gutters:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2333, as amended April 20, 1893, of the Revised Statutes of Ohio be and the same is hereby supplemented with section number 2333a.

Exemption of  
property for  
construction in  
Hamilton  
county villages.

Sec. 2333a. In any village lying wholly or in part in any county containing a city of the first grade of the first class nothing in this chapter shall be so construed as to tax property for the purpose of constructing any sidewalk or gutter, the owners of which have constructed and maintained sidewalks or gutters in front of such property of the

kind prescribed by ordinance existing at the time of the adoption of the resolution to construct or repair, provided for in section 2329.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
326G

[House Bill No. 334.]

## AN ACT

To supplement section 2505 of the Revised Statutes of Ohio, as heretofore supplemented by enacting section 2505c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2505 of the Revised Statutes of the state of Ohio, as supplemented, be further supplemented by enacting section 2505c as follows, to wit:

Sec. 2505c. Whenever any railway company is incorporated and organized under the laws of this state for the purpose of building, acquiring, owning, leasing, operating and maintaining a railroad or railroads to be operated by electricity or other motive power from one municipal corporation or point in this state, to any other municipal corporation, municipal corporations, or point in this state, it shall have an authority to make an arrangement or agreement with any street railway company or companies owning or operating any street railway or railways in any such municipal corporation or corporations, and said street railway company or companies shall have authority to make and enter into such arrangement or agreement with said railway company, whereby the passenger cars of such railway company may be run and propelled over and along the track or tracks of such street railway company or companies, for such compensation and upon such terms as may be agreed upon in the same manner, upon the same conditions and for the same length of time as the cars owned or operated by said street railway company or companies are operated in such municipal corporation or corporations. The said cars of said railway company shall, while they are running and being operated over and along the track or tracks of such street railway company or companies in any such municipal corporation, be entitled to all the privileges and subject to all the obligations enjoyed and imposed by and upon the cars of such street railway company or companies owning or operating its cars in any such municipal corporation, and shall be operated only by the same motive power with which the cars of such street railway company or companies are

Railways in corporate limits:

Use of street railway tracks for operation of passenger cars of other railway company.

Grant, franchise or right.

Fare.

or may be operated. Such arrangement and agreement, when authorized by not less than two-thirds in amount of the stockholders of each company proposing to enter into such arrangement and agreement, ratified by a majority of the directors and executed by the proper officers thereof, shall give to such railway company full authority to operate its said cars on the tracks of said street railway company or companies in such municipal corporation or municipal corporations. Provided that it shall not be necessary for such railway company, in case it uses in any such municipal corporation or municipal corporations, only the tracks of a street railway company or companies owning or operating a street railway or railways within such municipal corporation or municipal corporations to obtain any additional grant, franchise or right, except by said arrangement or agreement with said street railway company or companies. Provided further, that the fare charged by said railway company for transporting passengers within the municipal corporation or municipal corporations, shall not be greater than that fixed in the franchise or franchises held or owned by such street railway company or companies; and where there is a public park or cemetery on the line of such railway and within one mile of, and owned by, such municipal corporation, such company shall for such fare so transport passengers to and from said park or cemetery the same as though either was within the limits of such corporation. •

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
327G

[House Bill No. 498.]

## AN ACT

Providing for the dedication of the Licking reservoir as a public park.

Licking reservoir dedicated as a public lake.

Name and control of such lake.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the body of water known as the Licking reservoir, situated in the counties of Licking, Fairfield and Perry, contained within the metes and bounds of the lands owned by the state, be and the same is hereby dedicated and set apart forever as a public lake.

SECTION 2. Such lake shall be known by the name of the Buckeye lake, and be under the exclusive control of the state board of public works, whose duty it shall be, as soon as practicable, to make and publish such regulations as such board may deem necessary and proper for the care

and management of the same, subject to the laws and statutes made and provided from time to time by the general assembly of the state of Ohio. Provided that in the event of the abandonment, leasing, or selling of the southern division of the Ohio canal, all the lands embraced in said reservoir shall be sold by the state except seven hundred (700) acres contained in the original pond.

Sale of lands in certain event.

SECTION 3. The said Buckeye lake shall at all times be open to the public as a resort for recreation and pleasure, including the privilege of angling or fishing, and boating, provided that angling shall not be permitted therein with any device whatever except with rod, line and hook, or line and hook with bait or lure, the rod, line and hook, or line and hook, to be held in the hand; provided, nothing in this section shall be construed so as to permit fishing during a close season, as provided by the statute laws of the state; provided further nothing in this act shall be construed as interfering in any manner with any existing lease of any part of said reservoir or of the lands or any part thereof connected therewith.

Public pleasure-resort; angling and boating.

Existing lease.

SECTION 4. No person shall fish or catch fish in the waters of said Buckeye lake with any of the devices known as the trot-lines, set-lines, bank-lines, float-lines or bob-lines, nor with spears, seines, set-nets, gill-nets or traps, or nets of any kind whatever. The name trot-lines, set-lines, bank-lines, float-lines or bob-lines mentioned in this section, shall be construed to mean any lines with hooks attached thereto, supported by being fastened to stakes, poles, anchors or floats, either from the bank, boats or stumps, or stakes driven through the water into the ground, stumps or logs nor driven under the water into the ground, stumps or logs; nor any device whatever, except as mentioned in section three of this act.

Fishing or catching of fish with certain devices prohibited; devices defined.

SECTION 5. No person shall destroy, injure or disturb any tree, plant, lawn or other property, or decoration upon any of the islands, within the boundary of said lake, nor kill, injure or disturb any water-fowl, water-animal, birds or game placed within the boundary lines of the lake as semi-domestic pets by donation or purchase.

Destruction injury or disturbing of property or pets prohibited.

SECTION 6. (Penalty.) Any person violating any of the provisions of section[s] three, four and five of this act shall be deemed guilty of a misdemeanor, and upon conviction of the same shall be fined not less than five dollars (\$5) nor more than twenty dollars (\$20), and shall stand committed till fine and costs are paid.

Penalty.

SECTION 7. Justices of the peace, mayors and police judges shall have final jurisdiction in all cases arising under the provisions of sections three, four and five of this act; provided, that the defendant shall be entitled, on demand, to trial by jury. If such prosecutions be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county,

Jurisdiction in prosecutions.

Judicial proceedings in such cases before justices of the peace.

- or the regular lake police, containing the names of sixteen electors of the county to serve as jurors to try such case and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable, or park police, as the case may be, to summon any of the bystanders to act as jurors; but costs shall not be required to be advanced or paid by the person or persons prosecuting such cases; and if the defendant be acquitted, or if he be convicted and committed to jail in default of payment of fine and costs, the justice, mayor or police judge before whom the case was brought, shall certify such costs to the county auditor, who shall examine and, if necessary, correct the account and issue his warrant to the county treasurer in favor of the respective person to whom costs are due, for the amount due to each.
- Costs.** SECTION 8. All fines collected for the violation of any of the provisions of this act, and all moneys received on account of ice-privileges and rent for ice-houses, club-houses, boat-houses or cottages, also for boat-livery privileges, other than canal-boats in the regular line as common carriers, shall be credited to the Buckeye state lake as a park fund by the board of public works, to be used for the purpose of preserving said lake, establishing and enforcing the rules and regulations for the government of the lake, including the expense of necessary police. The board may employ a superintendent of such police, laborers and other persons as they may deem necessary for the execution of its duties with reference to said lake, and fix the salaries and compensations. The board is also authorized to employ counsel to prosecute all violations of this act. But the total expenditure for any year shall not exceed the receipts for the same year from the sources named in this section: and no appropriation shall at any time be made for said lake from the general revenue fund of the state.
- Superintendent of police, laborers and counsel.** SECTION 9. The dedication and use of said reservoir as a public lake shall in no wise interfere with or affect, and the same shall be subject to, the use of the said reservoir for canal purposes.
- Restriction on annual expenditure.** SECTION 10. The state board of public works shall, annually, on or before the fifteenth day of January, make to the governor a report of the conditions and status of the Buckeye lake for the preceding year.
- Appropriation by state prohibited.** SECTION 11. All laws or parts of laws relating to the protection of fish and game, in so far as they are inconsistent [or incomplete] with any of the provisions of this act,
- Use of reservoir for canal purposes.**
- Annual report of board of public works.**
- Repeals, etc.**

are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 328G

[House Bill No. 709.]

## AN ACT

To amend an act entitled "An act to amend section 2709 of the Revised Statutes, as amended April 24th, 1890," passed March 2d, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-seven hundred and nine of the Revised Statutes of Ohio, as amended March 2, 1891 (vol. 88, page 66), be so amended as to read as follows:

Power to borrow money and issue bonds:

Sec. 2709. Whenever any municipal corporation issues its bonds, it shall first offer them at par and accrued interest to the trustees or commissioners, in their official capacity, of the sinking fund, or, in case there are no such trustees or commissioners, to the officer or officers of such corporation having charge of its debts, in their official capacity, and only after their refusal to take all or any of such bonds at par and interest, bona fide for and to be held for the benefit of such corporation sinking fund for debt, shall such bonds, or as many of them as remain, be advertised for public sale. In no case shall the bonds of the corporation be sold for less than their par value; nor shall such bonds, when so held for the benefit of such sinking fund or debt, be sold, except when necessary to meet the requirements of such fund or debt. All sales of bonds, other than to the sinking fund, by any municipal corporation, shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in the county where such municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such county by order of the corporation council; provided, however, that in cities of the third grade of the first class, and in cities of the fourth grade of the second class, which at the last federal census had a population of not less than eighty-two hundred and seventy nor more than eighty-two hundred and eighty, when any such bonds have been once so advertised and offered for public sale, and the same, or any part thereof, remain unsold, then said bonds, or as many as remain unsold, may be sold at private sale at not less than their par value, under the direction of the mayor

Sale of municipal bonds.

Toledo and Marietta.

and the officers and agents of the corporation by whom said bonds have been or shall be prepared, advertised and offered at public sale.

Repeals: pending advertisement, etc.

SECTION 2. Said section 2709, as amended March 21, 1891 (Ohio laws, vol. 88, page 66), of the Revised Statutes of Ohio, is hereby repealed. This act shall take effect and be in force from and after its passage, but no pending advertisement now offering municipal bonds shall be affected by its provisions.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

329G

[House Bill No. 931.]

## AN ACT

To supplement section 897 of the Revised Statutes of Ohio, as amended April 24, 1893.

County commissioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897m be enacted as supplementary to section 897 of the Revised Statutes, as follows:

Duties, salary and traveling expenses in Delaware county

Sec. 897m. In counties which by the last preceding federal census had a population of not less than 27,050 nor more than 27,200, or which at any subsequent federal census may have such population, each county commissioner shall, on and after January 1, 1895, devote his entire time to the duties of his office, and shall receive a salary at the rate of one thousand dollars per annum, to be paid in monthly instalments upon the warrant of the county auditor; said salary shall be in full payment for all services rendered, mileage or expenses incurred, except when traveling on official business outside the county each commissioner may be paid his actual expenses.

SECTION 2. This act shall take effect, and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

330G

[House Bill No. 996.]

## AN ACT

To amend section 1673 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1673 of the Revised Statutes of Ohio, be amended to read as follows: Council :

Sec. 1673. Members of the council in office shall unless a vacancy sooner occur, serve until the expiration of their respective terms; at each annual municipal election, one member of the council shall be elected in each ward to serve for two years, except that councilman at large, as provided for in section 1672, shall be elected annually and for a term of one year; where villages are not divided into wards, three members of council to serve for two years, shall be elected at such election. And where corporations are advanced in grade or new corporations or new wards created at the first election for council, the mayor, in his proclamation, shall give notice to the electors to vote, in each ward for one member for one year, and one member for two years, and one councilman at large, where provided for in section 1672, designating the term on their ballots. Election and terms of members of council; Zanesville councilman at large.

SECTION 2. That section 1673 as amended be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.

331G

[House Bill No. 997.]

## AN ACT

To amend section 2107b and section 2107c of the Revised Statutes of Ohio as passed March 19, 1887 (O. L., vol. 84, page 137).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2107b and section 2107c of the Revised Statutes of Ohio as passed March 19, 1887 (Ohio laws, vol. 84, page 137), be amended so as to read as follows: Zanesville and Muskingum county joint workhouse:

Sec. 2107b. The direction, management and control of any such joint workhouse, and the maintenance and care of the convicts therein, shall be vested in a board of five directors, who shall be called, "the board of joint city and county workhouse directors," and such directors shall be freehold electors of such county, and shall serve without compensation, and not more than three members of "the board of Board of joint city and county workhouse directors.



joint city and county workhouse directors" shall be of the same political party faith.

Appointment  
and terms of di-  
rectors.

Sec. 2107c. The directors shall be appointed by the mayor of the city having such joint workhouse, with the approval of the council of such city, and shall hold their office for five years, except that at the first appointment one director shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one shall be appointed annually but hereafter all appointments shall be made in conformity with section 2107b.

Repeals, etc.

SECTION 2. That said original sections 2107b and 2107c, as passed March 19, 1887 (Ohio laws, vol. 84, page 137), be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

832G

[House Bill No. 1037.]

## AN ACT

To amend section 2 of an act entitled an act "to provide for the reerection of memorial statuary and Ohio booths, cases, exhibits, etc., returned from the Columbian exposition at Chicago and make appropriation therefor," passed April 16, 1894.

Reerection of  
memorial stat-  
uary, fixtures,  
etc., returned  
from world's  
Columbian ex-  
position:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two (2) of an act entitled an act to provide for the reerection of memorial statuary and Ohio booths, cases, exhibits, etc., returned from the Columbian exposition at Chicago and make appropriation therefor, passed April 16, 1894, be amended so as to read as follows:

Appropriation.

Sec. 2. For the purpose of carrying out the provisions of section 1 of this act, and to defray the expense of reerecting the memorial statuary, "these are my jewels," there is hereby appropriated from the general revenue of the state, not otherwise appropriated, the sum of two thousand dollars (\$2,000), said appropriation to be paid as follows: For the reerection of statuary, twelve hundred dollars (\$1,200), or such portion thereof as may be necessary, on vouchers approved by the committee having charge of the location and erection of said statuary; and for the reerection of booths, cases, stands, cabinets and fixtures on the state fair-grounds, the sum of eight hundred dollars (\$800), or such portion thereof as may be necessary, on vouchers approved by the committee provided in section 1 of said act.

SECTION 2. Said original section 2 is hereby repealed and this act shall take effect and be in force on and after its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.

833G

[House Bill No. 1069.]

## AN ACT

To provide for an official stenographer for the third subdivision of the third judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judge of the court of common pleas of the third subdivision of the third judicial district of Ohio, composed of the counties of Fulton, Henry and Putnam, shall, within thirty days after this act takes effect, appoint for said counties an official stenographer, who shall be a resident of one of said counties, and who shall have his or her office in the court-house of said respective counties, which said office and the necessary stationery for the use of said stenographer shall be furnished by the commissioners of said respective counties. Said stenographer shall not, during the term of his or her said office, as provided in section 2 of this act, be the partner, clerk, student or employe of any attorney residing or practicing in any of said counties.

Official stenographer for third subdivision of third district; appointment.

Residence, office and stationery.

Prohibitions.

SECTION 2. That such stenographer shall hold his or her office for the term of three years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath that he or she will faithfully discharge the duties of said office. Such stenographer shall receive a salary of eight hundred dollars (\$800) per annum, payable quarterly out of the county treasuries of said counties in the following proportions: Putnam county, three hundred and seventy-five dollars; Henry county, two hundred and fifty-five dollars; and Fulton county, one hundred and seventy dollars, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it shall be the duty of the auditors of said counties to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Term.

Oath.

Salary.

Stenographic notes.  
Stenographic notes.  
Stenographic notes.

Preference to be given common pleas court.  
Preference to be given common pleas court.  
Preference to be given common pleas court.

Transcripts.  
Transcripts.  
Transcripts.

Costs of transcripts.  
Costs of transcripts.  
Costs of transcripts.

Opinions and charges of court.  
Opinions and charges of court.  
Opinions and charges of court.

Fees for making transcripts.  
Fees for making transcripts.  
Fees for making transcripts.

Additional costs for stenographer's services.  
Additional costs for stenographer's services.  
Additional costs for stenographer's services.

Repeals.  
Repeals.  
Repeals.

**SECTION 3.** It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county, and preserved in the office of such stenographer; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorneys or the court, an accurate transcript into longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same, and the cost of said transcript, if used on appeal or error, to be taxed in the cost and adjudged as the court may direct; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

**SECTION 4.** Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to said salary, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be, by the clerk of the court, paid quarterly into the treasury of the county where earned.

**SECTION 5.** That an act entitled "An act to provide for an official stenographer for the third division of the third judicial district of Ohio," passed April 25, 1894, be and the same is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD, *Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA, *President pro tem. of the Senate.*

Passed May 21, 1894.

834G

[House Bill No. 1071.]

### AN ACT

To amend section 2689a of the Revised Statutes of Ohio as amended April 27, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2689a of the Revised Statutes of Ohio, as amended April 27, 1893, be so amended as to read as follows:

Sec. 2689a. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes above the tax for the county and state purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year, in cities of the second grade of the first class nine and three-tenths mills; for paving streets, seven-tenths of one mill; for park purposes five-tenths of one mill; for sewer purposes, three mills; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, fourteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall first be paid; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities, that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class thirteen and in cities of the third grade of the second class ten mills; provided, that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings, and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and the keeping in repair of such wharves and landings; in cities of the fourth grade of the second class nine mills; in villages of the first class, eight

Revised Finance and taxation:

Maximum of municipal taxes allowable in municipalities other than Cincinnati.

Distribution of  
such taxes.

Surplus in vil-  
lage police fund  
arising from  
Dow law tax.

Repeals.

mills; and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax list; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with the terms of any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, p. 11); and also provided, that the councils of the municipalities mentioned in this section shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named be changed, and all transfers of funds from one account to another are hereby expressly prohibited; provided, however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

SECTION 2. That said original section 2689a of the Revised Statutes, as amended April 27, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

335G

[House Bill No. 1072]

## AN ACT

**Making appropriations to pay members of the fifth regiment, O. N. G., for per diem and subsistence when called into service by the mayor of Cleveland, Cuyahoga county, Ohio, to act in aid of civil authorities.**

Appropriation  
for Ohio nation-  
al guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury, not otherwise appropriated, the sum of thirty-seven hundred and ninety-six dollars and fifty-two cents (\$3,796.52) to pay the officers and men detailed from the fifth infantry and first troop cavalry for per diem and sub-

sistence when called into service by the mayor of Cleveland, Cuyahoga county, Ohio, to act in aid of the civil authorities.

**SECTION 2.** This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.

336G

[House Bill No. 335.]

## AN ACT

To regulate the practice of veterinary medicine and surgery.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That all persons who now, or shall hereafter, practice veterinary medicine and surgery in the state of Ohio, and have not been engaged in such practice for at least three years prior to the passage of this act, in the state of Ohio, shall be examined as to their qualifications by a state board of veterinary examiners, to be appointed as hereinafter provided.

Examination of  
veterinarians

**SECTION 2.** Any one who successfully passes the examination before the state board of veterinary examiners shall receive from said board a certificate signed by the members thereof, which certificate shall state that the person to whom it is given has passed the prescribed examinations and is competent to practice veterinary medicine and surgery. A copy of such certificate shall be recorded by the clerk of said board in a book kept for that purpose which shall be open to the public inspection.

Certificate of  
competency.

**SECTION 3.** Persons who have passed the requisite examinations and received a certificate from the state board of veterinary examiners, and those who have continuously practiced veterinary medicine and surgery for at least five years, and no others, shall be qualified and be entitled to be employed as veterinaries by the state board of agriculture, state live stock commission and state board of health.

Veterinarians  
entitled to be  
employed by  
state boards

**SECTION 4.** The state board of veterinary examiners shall consist of five members. The secretary of the state board of agriculture and the secretary of the state board of health shall be ex officio members of said board. Three members thereof shall be appointed by the governor and confirmed by the senate for the terms respectively of two, four and six years, and every two years thereafter the governor shall appoint a member for the term of six years. Vacancies in said board shall be filled by appointment for the unexpired term. The members so appointed by the governor shall be graduates of reputable but of different veterinary schools

State board of  
veterinary ex-  
aminers.

or colleges, and men of superior learning, personal skill and good moral character.

**Meetings; officers; duties of secretary.**

**SECTION 5.** The board shall meet at least twice a year—in April and July—in the city of Columbus. At the first meeting the board shall organize by electing from its members a president, secretary and treasurer, who shall hold their offices for two years or until their successors have been elected and qualified. The secretary shall keep an accurate record of the business transacted and of the certificates issued as heretofore provided. He shall collect the fees to be paid by the applicants for examination and pay the same over to the treasurer and shall perform such other duties as the board may prescribe. He shall keep a correct account of all moneys received and disbursed.

**Compensation of members.**

**SECTION 6.** The board each shall receive three dollars per day while in session, and his actual traveling expenses, to be paid by the treasurer out of the fees paid by the candidates for examination.

**When certificate shall be issued; eligibility of unsuccessful candidate.**

**SECTION 7.** A certificate shall be issued only when the board is satisfied that the candidate examined is well qualified and entitled to a certificate. The candidate, if unsuccessful, shall not be eligible to another examination until the expiration of one year thereafter.

**Time and fee for examination.**

**SECTION 8.** Candidates shall present themselves for examination at the regular meetings of the board and shall pay for each examination the sum of five dollars, which shall accompany their application in writing, and be paid to the secretary of the board previous to the regular meeting of the board. One-half of the five dollars shall be returned if the candidate fails in the examination or if a diploma is accepted in lieu of an examination.

**Acceptance of diploma in lieu of examination.**

**SECTION 9.** The board may accept a properly issued diploma in lieu of an examination; but such a diploma shall be accepted only if it has been issued by a reputable veterinary school or college, that requires a course of study and gives instruction in all the various branches of veterinary science.

**Penalty.**

**SECTION 10.** Whoever shall engage in the practice of veterinary medicine or surgery in violation of this act shall, for the first offense, be fined not less than ten dollars, nor more than twenty-five dollars, and for the second offense not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than sixty days, or both. Provided, that nothing in this act shall be construed to prohibit any veterinary advice or service in cases of emergency if rendered by a person not entitled to practice under this act. Nor shall it apply to animal castration and dehorning of cattle.

**Emergency; castration and dehorning.**

SECTION 11. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
337G

[House Bill No. 713.]

## AN ACT

To amend section 2732 of the Revised Statutes of Ohio, as amended May 9, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2732 of the Revised Statutes of Ohio, as amended May 9, 1894, be amended so as to read as follows:

Sec. 2732. The following property shall be exempt from taxation:

*First.* All public school-houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning in this state. Provided, nevertheless, that all leaseholds, or other estates or property whatsoever, real or personal, the rents, issues, profits and income of which have been, or hereafter shall be given to any city, town, village, school district or subdistrict in this state, exclusively for the use, endowment, or support of schools for the free education of youth without charge, are and shall be exempt from taxation so long as such property, or the rents, issues, profits and income thereof shall be used and applied exclusively for the support of free education by such city, town, village, district or subdistrict.

*Second.* All lands used exclusively as graveyards, or grounds for burying the dead, except such as are held by any person, persons, company or corporation, with a view to profit, or for the purpose of speculating in the sale thereof.

*Third.* All property, whether real or personal, belonging exclusively to the state or United States.

*Fourth.* All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres, on which such buildings are erected.

Taxation:

Property exempt from taxation.



Property exempt  
from taxation

*Fifth.* All lands, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.

*Sixth.* All buildings belonging to institution[s] of purely public charity, and all buildings belonging to and used exclusively for armory purposes by lawfully organized military organizations which are and shall continue to be fully armed and equipped at their own expense and by law made subject to all calls of the governor for troops in case of war, riot, insurrection or invasion together with the road [land] actually occupied by such institutions, and that owned and used as sites for such armory buildings of said military organizations not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustain and, belonging exclusively to said institutions and military organizations.

*Seventh.* All fire-engines and other implements used to [for] the extinguishment of fires, with the buildings used exclusively for the safe-keeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein.

*Eighth.* All market-houses, public squares or other public grounds, town, or township houses or halls, used exclusively for public purposes, or erected by taxation for public purposes, notwithstanding some parts thereof may be leased under and by virtue of section 2566 of the Revised Statutes of Ohio, and all works, machinery, pipe-line, and fixtures belonging to any town and used exclusively for conveying water to such town, or for heating or lighting the same, and any unpaid taxes assessed against any property comprised in this subdivision, with any penalty thereon, is hereby remitted.

*Ninth.* Each individual residing in this state may deduct a sum not exceeding one hundred dollars as exempt from taxation, from the aggregate listed value of his taxable personal property of any kind of which such individual is the actual owner, except dogs.

*Tenth.* All funds raised and set apart for the purpose of building monuments to the fallen soldiers of this state, and all monuments and monumental buildings, when erected shall be forever exempt from taxation for any purpose whatever.

Repeals, etc.

SECTION 2. That said original section 2732 as amended May 9, 1894, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
338G

[House Bill No. 718.]

## AN ACT

To authorize certain suits against the state on behalf of J. W. and F. M. Stoker, Chester Birt and William Thomas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That J. W. Stoker and F. M. Stoker, claimants to west part of west half of the northeast quarter of section seventeen (17), town six (6) south, range four (4) east, Auglaize county, Ohio, containing about forty-five acres; Chester Birt, claimant to the northeast quarter of the southwest quarter of the same section; and William Thomas, claimant to west half of the southwest quarter of same section, be and they hereby are permitted and authorized to institute and prosecute to final hearing, respective suits against the state in the court of common pleas of said county to determine title to said lands as between said claimants and the state, and also the damages sustained by said respective claimants during the time and by reason of the overflow of said lands by the state in maintaining the Mercer county reservoir.

Suits against the state authorized.

SECTION 2. That said court of common pleas be and it hereby is empowered to hear and decide as between the state and said respective claimants all questions of title and decree accordingly; and also, by the aid of a jury, if demanded by the state, or said respective claimant, try and determine said damages and render judgment accordingly for same against the state, together with costs.

Hearing and decision of such suits.

SECTION 3. The decision and judgment of said court in the respective suits brought hereunder shall be final and decisive between the state and the said claimant bringing such suit as to the title to said land involved in said suit. On decree of title to such claimant by said court, all right and claim to title of the state shall be and hereby is granted to said claimant in said suit, and to his or their heirs forever. The damages so ascertained by said court shall also be final and conclusive of the amount thereof.

Effect of decision.

SECTION 4. On ascertaining the amount of damages and costs as aforesaid in any suit brought under the provisions of this act, the clerk of said court shall certify the same to the auditor of state, who shall issue his warrant therefor in favor of said claimant bringing such suit, on the treasurer of state, who is hereby authorized to pay the same out of any money in the state treasury not otherwise appropriated, and which is hereby appropriated for that purpose.

Payment of damages and costs.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
339G

[Senate Bill No. 331.]

## AN ACT

To repeal "An act to incorporate the state bank of Ohio and other banking companies, and other acts amendatory thereof and supplementary thereto."

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That "An act to incorporate the state bank of Ohio and other banking companies," passed February 24, 1845 (43, O. L., p. 24); "An act supplementary to an act to incorporate the state bank of Ohio and other banking companies," passed January 6, 1846 (44, O. L., p. 8); "An act in relation to the state bank of Ohio and other banking companies," passed February 24, 1848 (46, O. L., p. 91); "An act to amend the act entitled 'an act to incorporate the state bank of Ohio and other banking companies,' passed February 24, 1845," passed March 8, 1850 (48, O. L., p. 88); "An act to amend the act to incorporate the state bank of Ohio and other banking companies," passed March 22, 1851 (49, O. L., p. 110); "An act supplementary to an act entitled 'an act to incorporate the state bank of Ohio and other banking companies,' passed February 24, 1845," passed March 14, 1859 (56, O. L., p. 43), and "An act supplementary to 'an act to incorporate the state bank of Ohio and other banking companies,' passed February 24, 1845," passed April 25, 1862 (59, O. L., p. 64), are hereby repealed. Said laws being numbered 7484 to 7554, inclusive, in the 1894 edition of Revised Statutes, published by Robert Clarke & Co.

Effect of such repeals.

SECTION 2. The repeal of the foregoing acts shall not affect the corporate existence, or the liabilities of any company now existing which derives its authority to carry on the business of banking, from any of such acts, if any such company exists, or the liabilities or duties of any person, created by any of such act or acts, either as stockholder, officer, employe, or otherwise; but such companies shall hereafter operate under and be subject to the general laws of the state governing banking companies; nor shall such repeal affect any obligation which has arisen, any penalty which has been incurred, or any right of prosecution which has accrued under the provisions of the acts so repealed, nor relieve any person from any penalty or liability incurred by reason of the violation of any of the provisions of such act or acts whether action has been commenced or judgment has been obtained or not, and all suits heretofore commenced and now pending, or which may be hereafter commenced under the provisions of said acts, shall be proceeded with as though this act had not been passed.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

340G

[Senate Bill No. 358.]

## AN ACT

To authorize the use [of] electricity as a motive power upon railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon any railroad heretofore or hereafter constructed in this state, electricity may be used as a motive power in the propulsion of cars; provided, however, that before any line of poles and wires shall be constructed through or along the streets, alleys or public grounds of any municipal corporation, plans of such construction shall be submitted to and approved by the council of such municipal corporation.

Electricity as  
motive power  
upon railroads.

SECTION 2. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
841G

[Senate Bill No. 387.]

## AN ACT

To amend section 1181 of the Revised Statutes, as amended March 30, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1181 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

County survey-  
or:

Sec. 1181. The surveyor shall keep his office at the county seat, in such room or rooms as are provided by the county commissioners, which shall be furnished, at the expense of the county, with all necessary cases and other suitable articles; also with all blank-books, blanks and stationery needful for the proper discharge of his official duties; and whenever, except in a county containing a city of the first class, first grade, the services of an engineer are required, with respect to roads, turnpikes, ditches or bridges, or whenever the services of an engineer are required for the improvement of state and county roads in any county containing a city of the first class, second grade, under an act entitled "An act to provide for the improvement of state and county roads in counties containing a city of the second grade of the first class," passed March 31, 1892, the county surveyor shall act as such engineer, and shall receive for his services such compensation as is provided by the law for the services of an engineer in such cases.

Office, furnish-  
ings, stationery,  
etc.

Services as en-  
gineer; Cuya-  
hoga county.

Repeals.

SECTION 2. That said original section 1181, as amended March 30, 1892, and all acts inconsistent herewith, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
342G

[Senate Bill No. 445.]

### AN ACT

To supplement section 1680 of the Revised Statutes of Ohio.

Council and  
aldermen:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1680 of the Revised Statutes be supplemented by enacting supplementary section 1680b, as follows:

Term in Toledo  
wards absorbed  
by redistricting.

Sec. 1680b. Provided that in cities of the third grade of the first class whenever the common council shall redistrict the city into new wards, the aldermen and councilmen of the old wards shall continue to represent the territory for which they were elected until the next annual municipal election, at which time, the office of alderman and councilmen shall cease in any ward entirely absorbed and the identity of which is destroyed by such redistricting.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
343G

[House Bill No. 151.]

### AN ACT

To amend section 1013 of the Revised Statutes of Ohio.

County auditor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1013 of the Revised Statutes of Ohio be amended so as to read as follows:

Election and  
term.

Sec. 1013. A county auditor shall be chosen triennially in each county, who shall hold his office for three years, commencing on the third Monday in October next after his election.

SECTION 2. The term of office of any county auditor in office at the time of the passage of this act, shall be extended to the third Monday of October following the expiration of his term under the original section 1013. Term extended.

SECTION 3. That said original section 1013 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.

344G

[House Bill No. 525.]

### AN ACT

To amend section 4919 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4919 be and the same is hereby amended so as to read as follows, to wit: Repair of highways:

Sec. 4919. When any one or more of the principal highways of any county, or any part thereof, have been destroyed or damaged by freshet, land-slide, wear or water-courses or any other casualty, or by reason of the large amount of traffic thereon, or from neglect or inattention to the repair thereof have become unfit for travel or cause difficulty, danger or delay to teams passing thereon, and the commissioners of such county are satisfied that the ordinary levies authorized by law for such purposes will be inadequate to provide money necessary to repair such damages, or to remove obstructions from, or to make the changes or repairs in such road or roads as are rendered necessary from the causes herein enumerated, said commissioners may annually thereafter levy a tax at their June session of any sum not exceeding five mills upon the dollar upon all taxable property of the county, to be expended under their direction in such manner as may seem to them most advantageous to the interest of the county for the construction, reconstruction or repair of such road or roads or any part thereof. Provided, that this section shall not be so construed as to authorize the commissioners to refuse to make a levy for a road fund under the provisions of section 2824 of the Revised Statutes; and provided further, that in any county, when the valuation of the taxable property shall not exceed ten millions of dollars, if the commissioners shall fail in any year to make a levy of at least one mill upon each dollar of taxable property within that county, to be used and expended as a road fund as authorized by law under said section 2824, one-half of all taxes charged for road purpose under the provisions of this

Tax to repair damaged highways.

Refusal or failure to make levy under provisions of section 2824.

section (4919) for said year on the property within the limits of any municipal corporation in said county, and collected by the county treasurer, shall be paid over to the corporation treasurer, to be specially appropriated by the council thereof to street and road purposes as is provided by law.

Repeals.

SECTION 2. That said original section 4919 of the Revised Statutes of the state of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate*

Passed May 21, 1894.  
345G

[House Bill No. 583.]

## AN ACT

To amend sections 319, 320 and 321 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 319, 320 and 321 of the Revised Statutes be amended so as to read as follows:

Classification of  
printing:

First class.

Second class.

Third class.

Fourth class.

Fifth class.

Sixth class.

Seventh class.

Sec. 319. The printing for the state shall be divided into seven classes, to be let in separate contracts, as follows: The printing of all bills for the two branches of the general assembly, together with such resolutions and other matters as are ordered by the two branches, or either of them, to be printed in bill form, shall constitute the first class, and shall be let in one contract; the printing of the journals of the senate and house of representatives, and of such reports, communications and other documents as enter into and make a part of the journals, shall constitute the second class, and shall be let in one contract; the printing of all reports and all communications and other documents ordered by the general assembly or either branch thereof, or by the executive departments, to be printed in pamphlet form, excepting the bulletins of the Ohio agricultural experiment station, shall constitute the third class, and shall be let in one contract; the printing of the general and local laws and joint resolutions, shall constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars and other work necessary for the use of the executive departments, other than such as shall be printed in pamphlet form, shall constitute the fifth class, and shall be let in one contract; the bulletins of the Ohio agricultural experiment station shall constitute the sixth class, and shall be let in one contract. The report of the secretary of state, auditor of state, commissioner of common schools, commissioner of

railroads, commissioner of labor statistics, superintendent of insurance, the report of the state board of agriculture, and such other reports of executive officers as are required by law to be bound in either cloth or half law-binding, except the laws and joint resolutions and journals of the house and senate, shall constitute the seventh class, and may be let in one or more contracts, as in the discretion of the commissioners of public printing the interests of the state may require.

Sec. 320. The commissioners of public printing shall, between the first day of June and the first day of August, biennially, beginning in the second year after the next preceding letting of the public printing, give notice, for the period of at least thirty days, in two or more newspapers printed in the city of Columbus, and two in each of the cities of Cleveland and Cincinnati, that sealed proposals will be received at the office of the secretary of state for executing the several classes of the public printing, in separate contracts, for the term of two years from and after the first Monday of November next ensuing; which proposals shall distinctly and specifically state the price per thousand ems for the composition of all matter embraced in the seven classes of printing, or such of them as are covered by the bid; the price per token for all presswork embraced in the first, second, third, fourth, sixth and seventh classes, and the price per quire for the presswork contained in the fifth class, at which the bidder will undertake to do the work embraced in the class or classes of the printing covered by his proposals; and each proposal must be accompanied by a bond, executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the commissioners of public printing, in the sum of ten thousand dollars, conditioned for the faithful performance, pursuant to this chapter, of such class or classes of the state printing as may be awarded to him; and for the payment as liquidated damages by such bidder to the state of any excess of cost over the bid or bids of such bidder which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; the bond to be null and void if no contract be awarded to him. No bid unaccompanied by such bond shall be entertained by the commissioners of public printing.

Notice inviting proposals for printing.

Specifications required in proposals.

Bond of bidder.

Sec. 321. The commissioners of printing shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open all such proposals by them received, and they shall, on careful examination and computation, award the contract for each class of printing to the lowest responsible bidder therefor; but should the commissioners be of the opinion there was collusion between the bidders, or the lowest proposal or proposals are too high, they may reject any or all bids, and readvertise for two weeks for proposals for such classes of printing as are not awarded, and proceed to relet said printing as is provided

Award of contracts.



Time for completion of work.

in this and the preceding section, or they may, if they think it to the best interests of the state, contract with any responsible party or parties who file a bond or bonds for the execution of the work as provided in the preceding section; should the commissioners advertise the second time for proposals and they are satisfied there has been collusion between the bidders, or the lowest bid or bids are too high, they may reject any or all of such bids, if in their opinion it will be for the best interests of the state, and contract with any party or parties who file a bond or bonds as above provided for the execution of the class or classes of printing not awarded. Nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the lowest bidder therefor, but the commissioners shall not except as may be otherwise provided herein be bound to award more than one class of printing to one person or firm, if in their judgment such person or firm has not the proper facilities for doing said printing expeditiously, and the interests of the state will be best served by having the several classes printed by separate contractors, but no class or contract for part of a class shall in any case be awarded otherwise than to the lowest and best bidders thereof [therefor]. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interest of the state, having reference, however, to a division of the work as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders shall propose for the same contract, and the proposal of one shall be lower on composition, and that of another lower on presswork, then the commissioners shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract for such class to the lowest aggregate bidder, for such class as shall appear by such computation; provided, however, that in the notice for proposals prescribed in section three hundred and twenty, it shall be the duty of the commissioners of public printing of [to] state the time within which all the printing included in the second, third, fourth, sixth and seventh classes shall be completed after the manuscript for the same has come into the hands of the printer, and no contract therefor shall be awarded, unless the same contains an agreement fixing the time for the completion of all the printing included in the second, third, fourth, sixth and seventh classes after the manuscript for the same has come into the hands of the printer. And should, in the judgment of the commissioners of public printing, the time so fixed, at any time prove unreasonable or inequitable, the said commissioners are authorized to extend said time, the period for the printing of no book or report to exceed six months. And said commissioners are hereby authorized to reject any or all bids, if in their judgment the bidder has not proper facilities for the doing of said printing. All print-

ing under this section must be executed within the state, and all appertaining to the first and fifth classes must be executed at the city of Columbus. The necessary expense of the transportation of paper, proof or printed sheets, to and from Columbus, shall be defrayed by the contractor.

SECTION 2. Sections 319, 320 and 321 are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
346G

[House Bill No. 639.]

## AN ACT

To authorize certain county commissioners to provide depositaries for public money and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in each county where depositaries are not otherwise authorized by law, the commissioners thereof may designate in the manner hereinafter provided, a bank situated in such county, and duly incorporated under the laws of this state, or of the United States, as a depository of the money of the county. Depository for county funds.

SECTION 2. When the commissioners of any county shall determine to provide a depository for the money of such county, they shall publish in two daily newspapers, published and of general circulation in the county, on the second day of the week, for two consecutive weeks, a notice, which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest, not less than one per centum, that will be paid for the use of the money of the county, as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal is accepted. Notice for proposals from banks.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may divide the funds to be deposited, and award a portion thereof to each of such banks, or they may reject all proposals and advertise for Opening of proposals and awarding of use of moneys.

What proposals shall contain.

**Readvertising.** others in the manner aforesaid; and if no proposals are received, offering a rate of interest as required in section two, the commissioners shall at once, again advertise in the manner aforesaid for such proposals; and if satisfactory proposals are not received, the commissioners shall continue in the manner aforesaid to advertise for such proposals until acceptable proposals are received; but each said subsequent advertisement shall also state whether any proposal was received under the preceding advertisement, and if any was received, from what bank, and the rate of interest offered.

**Undertaking required of depository.**

**SECTION 4.** No such award shall be binding on any such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, and until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners for the use of the county, in such sum as the commissioners shall direct, which shall not be less than the sum that shall be deposited in such depository at any one time; and such undertaking shall be signed by at least six resident freeholders as sureties, to the satisfaction of the commissioners, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposal; and the undertaking shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depository of the money of the county.

**Approval of undertaking.**

**SECTION 5.** Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed thereon; and if any bank to which an award is made as aforesaid, fail to execute an undertaking as required hereby, to the acceptance of the commissioners, and fail to hypothecate the bonds as provided in section seven, within three days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank; but if the written proposal of no other bank offers the same rate of interest, they may award such use to any bank whose written proposal offers the next highest rate of interest therefor, the undertaking and hypothecation required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids and advertise for others in the manner aforesaid.

**Effect of failure to execute undertaking.**

**SECTION 6.** The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking, and upon the hypothecation of the bonds as provided for herein, become the depositary of the money of the county, and remain such for three years or until the undertaking of its successor is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank, in such sum as they shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom, to the county treasury, forthwith, or may designate some other bank to be the depositary thereof temporarily at such rate of interest, or without interest, as they may determine. Such removal, and all other removals ordered by the commissioners under the provisions of this act, shall be made upon their written order and the check of the county treasurer. If the money, in case of such removal, be deposited in a bank designated as a depositary temporarily, such bank shall, before the receipt by it of any such money, enter into an undertaking and hypothecate the bonds as required by this act; but if no bank be so designated, the money shall be disposed of as provided in section eight.

When and term for which bank becomes depositary.

Additional security.

Removal and disposal of deposits in case of refusal or neglect to give such security.

**SECTION 7.** The commissioners may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest-bearing bonds of the county, or of the municipal corporation in which the depositary is located, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required, such acceptance of bonds as partial security, and the extent thereof shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the county, in case of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe-keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank, so long as it is not in default as aforesaid.

Hypothecated bonds as security.

**SECTION 8.** The treasurer shall, upon the receipt of a written notice from the commissioners, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank or banks selected as such depositary or depositaries, deposit, as directed by the com-

Deposits by treasurer in depositary.

missioners, to the credit of the county, all money in his possession, except such as may be necessary to meet current demands, in such bank or banks, and thereafter he shall, before noon of each business day, deposit in such bank or banks, all money received by him the preceding business day, except as hereinbefore provided; and such money shall be payable only on the check of the treasurer. All money deposited with any depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances; and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed; and when the interest is credited to the county, the depositary shall notify the auditor and treasurer in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

How money payable  
Interest.  
Monthly statements of depositary, auditor and treasurer.

Filing and comparison of treasurer's checks.

Discrepancies.

Liability of treasurer.

Penalty.

**SECTION 9.** On the first business day of each month the depositary shall notify the county auditor, in writing, of the amount of deposits made by the treasurer for the preceding month and the balance on deposit to the credit of the county at that time, and the auditor and treasurer shall each prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, the balance remaining to the credit of each, the balance of money in the depositary and the balance in the treasury; and the commissioners shall place such statements on file and forthwith post a duly certified copy of each in the auditor's office, to remain so posted at least thirty days, for the inspection of the public. On the day aforesaid, some officer of the bank or banks acting as a county depositary or depositaries, shall file with the county commissioners, all checks of the county treasurer paid and redeemed by the bank during the previous month, and the commissioners shall compare such checks with the report of the county treasurer, and if the statements of such bank or banks and the treasurer do not agree, the commissioners shall forthwith give notice thereof to the treasurer and auditor, who shall thereupon ascertain the cause of such discrepancy and report the same to the commissioners.

**SECTION 10.** Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties having depositaries under and according to its provisions, except that they shall not be held liable for any loss of money deposited by them in depositaries, as provided herein, while such money is in the custody of such depositaries.

**SECTION 11.** An officer of any such county who wilfully violates any provision of this act, or wilfully neglects or refuses to perform any duty thereby imposed upon him,

shall, upon conviction thereof in the court of common pleas, be fined in any sum not exceeding ten thousand dollars, for the use of the county, or be imprisoned in the penitentiary not more than ten years nor less than one year, or both, at the discretion of the court.

SECTION 12. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act, shall be held to be superseded by the latter as to the matter of inconsistency, and not otherwise, in counties having a depository or depositories for county funds under the provisions thereof; provided, that when, for any reason, any of such counties shall be without a depository for such funds, the money of the county shall be placed and remain in the custody of the treasurer until another depository is designated, and he shall be governed by the general laws of this state relating to county treasurers.

Conflicting statutory provisions superseded.

When county without depository.

SECTION 13. This act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
347G

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[House Bill No. 651.]

## AN ACT

To provide for and encourage a more scientific study of dentistry.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4404 of the Revised Statutes as amended April 8, 1892 (87, O. L., p. 237), be supplemented as follows, with sectional numbering 4404a:

Dentistry:

Sec. 4404[a]. That for the purposes of this act, colleges of dentistry shall be regarded as reputable which are under state control or are organized, controlled and governed by a board of trustees as provided by law for governing colleges of medicine, which possess[es] buildings, by lease or otherwise, and equipments valued at not less than five thousand dollars, which have a graded course of not less than three years, the time of instruction in each year being not less than six months, and which have a curriculum which includes anatomy, physiology, histology, pathology, chemistry, microscopy, materia medica, metallurgy, operative, mechanical and surgical dentistry.

Colleges to be regarded as reputable.

SECTION 2. This act shall take effect on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 348G

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[House Bill No. 666.]

### AN ACT

To supplement section 6134 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6134 of the Revised Statutes of Ohio be supplemented as follows:

Action for injury by wrongful death:

Enforcement of right given by statute of other state, territory or country.

Sec. 6134a. Whenever death has been or may be caused by a wrongful act, neglect or default in another state, territory or foreign country, for which a right to maintain an action and recover damages in respect thereof is given by a statute of such other state, territory or foreign country, such right of action may be enforced in this state in all cases where such other state, territory or foreign country allows the enforcement in its courts of the statute of this state of a like character; but in no case shall the damages exceed the amount authorized to be recovered for a wrongful neglect or default in this state, causing death. Every action brought under this act where the death has already occurred shall be commenced within one year from the passage of this act; and in all other cases, within the time prescribed for the commencement of such action by the statute of such other state, territory or foreign country.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 849G

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[House Bill No. 763.]

### AN ACT

Providing for the taxation of sleeping-car companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars, not other-

Sleeping-car company defined.

wise listed for taxation in Ohio, for the transportation, accommodation, comfort, convenience or safety of passengers, on or over any railway line or lines, in whole or part within this state, such line or lines not being owned, leased or operated by such company, whether such cars be termed sleeping, palace, parlor, chair, dining or buffet-cars, or by some other name, shall be deemed to be a sleeping-car company.

**SECTION 2.** Every sleeping-car company defined in section one (1) hereof, doing business or owning cars which are operated in this state shall, annually, between the first and thirty-first days of May, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the auditor of state a statement, in such form as the auditor of state may prescribe, containing the following facts:

1. The name of the company.
2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager.
5. The name and post-office address of the chief officer or managing agent of the company in Ohio.
6. The number of shares of the capital stock, and the name and post-office address of each stockholder with the number of shares owned by each.
7. The par value and market value, or, if there be no market value, the actual value of the shares of stock on the first day of May.
8. A detailed statement of the real estate owned by the company in Ohio, where situate and the value thereof as assessed for taxation.
9. The total value of the real estate owned by the company and situate outside of Ohio.
10. The whole length of the lines of railway over which the company runs its cars, and the length of so much of said lines as is without and is within the state of Ohio.

Blanks for making the above statement shall be prepared, and, on application, furnished any company by the auditor of state. Sleeping-car companies shall not be required to make returns, and shall not be governed by the provisions of section 2744 of the Revised Statutes.

**SECTION 3.** The auditor of state, treasurer of state and attorney-general shall constitute a board named the state board of appraisers and assessors, of which board the auditor of state shall be ex officio president. In the absence or inability of the auditor, the board shall appoint one of its members president pro tempore. The board

Annual statement to auditor of state.

State board of appraisers and assessors; constitution, powers, duties, etc.



shall appoint a secretary, and full minutes of its proceedings shall be kept. The board shall, annually, on the first Monday in June, meet in the office of the auditor of state, for the purpose of determining the amount and value of [the] proportion of the capital stock of sleeping-car companies representing capital and property of such companies owned and used in Ohio. On the meeting of the board, the auditor of state shall lay before it the statements and schedules returned to him under section two (2) hereof. The board shall proceed to ascertain and determine, on or before the second Monday in July, the amount and value of the proportion of the capital stock of sleeping-car companies, representing capital and property of such companies, owned or used in Ohio, and in determining the same, shall be guided in each case by the proportion of the capital stock of the company representing rolling-stock, which the miles of railroad over which such company runs cars in Ohio bear to the entire number of miles in Ohio and elsewhere over which such company runs cars, and such other rules and evidence as will enable the board to determine, fairly and equitably, the amount and value of the capital stock of such company representing capital and property owned and used in the state of Ohio. The board may adjourn from time to time until the business before it is finally disposed of. In case any company fails or refuses to make the statement required by law, or furnish the board with any information requested, the board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty under this act. At any time after the meeting of the board on the first Monday in June, and before the amount and value of the capital stock of any company representing capital and property owned or used in Ohio, is determined, any company or person interested shall have the right, on written application, to appear before the board and be heard in the matter of such determination. After the fixing of the amount and value of the capital stock of any company representing capital and property owned or used in Ohio, and before the certification to the auditor of state of such amount, as provided in section five (5) hereof, the board may, on the application of any person or company interested, or on its own motion, review and correct its action in such manner as it may deem just and proper.

Penalty for  
failure to file  
statement.

SECTION 4. In case any company required to file a statement, under the provisions of section two (2) hereof, fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and on collection paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the re-

quest of the auditor of state, shall institute such action against any company so delinquent, in the court of common pleas of Franklin county, or of any county into or through which any railroad line passes, over which such sleeping-car company is running its cars. Service of summons may be made in the manner provided in section five (5) of this act in suits for the collection of the tax against such company. The state board of appraisers and assessors shall have power to require the president, secretary, treasurer, receiver, superintendent or managing agent, or other officer, or employe or agent of any sleeping-car company, to attend before the board and bring with him, for the inspection of the board, any books or papers of such company in his possession, custody or control, and to testify under oath touching any matter relating to the organization, property and business of such company. Any member of the board is authorized and empowered to administer such oath. Any officer, employe or agent of such company who shall refuse to attend before the board when required to do so, or shall refuse to bring with him and submit, for the inspection of the board, any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the board or any member thereof, touching the organization, business or property of such company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both; and any officer, employe or agent of such company so refusing, as aforesaid, shall be deemed guilty of contempt of such board and may be confined, by order of such board, in the jail of the proper county, until he shall comply with the requirements of the board and pay the costs of his imprisonment.

Further powers  
of state board.

Penalties to  
which officers,  
employes and  
agents of com-  
pany liable.

**SECTION 5.** The state board of appraisers and assessors shall, on the first Monday in August, report to the auditor of state the amounts fixed by it as the value of the capital stock representing capital and property of sleeping-car companies employed and used in Ohio; at the same time, the board shall file with the auditor of state the statements of the various companies and other papers before it. It shall be the duty of the auditor of state, in the month of November, annually, to charge and collect from each sleeping-car company doing business or owning cars which are operated in this state, a sum, in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the value of the proportion of the capital stock representing the capital and property of such company, owned or used in Ohio, and certified to the auditor of state, after deducting the value of the real estate of the company in Ohio, assessed and taxed locally, if any there be. All taxes collected by the auditor of state, under the provisions of this

Report of state  
board: filing of  
statements and  
papers.

Assessment, col-  
lection and dis-  
position of ex-  
cise tax on com-  
pany; fees of  
officers.

Suit for collection.

Service of summons.

act, shall be paid into the state treasury and be credited to the general revenue fund. If any sleeping-car company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due a penalty of fifty per centum thereon, and shall forthwith proceed to collect the tax and penalty by any means provided by law for the collection of taxes by county treasurers, and for his services shall be allowed five per centum on the amount of penalty collected, which he is authorized to retain out of such amount. It shall be the duty of the attorney-general or any prosecuting attorney, on request of the auditor of state, to prosecute any proceeding for the collection of such tax, which officer shall be allowed for his services, five per centum on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury. Suit for the collection of such tax and penalty may be brought in the name of the state, in the county of Franklin, or in any county into or through which passes any railroad line over which such sleeping-car company is running its cars; and service of summons against a sleeping-car company may be made upon any officer or agent of such company named in section 5044 of the Revised Statutes, or, if such officer or agent can not be found, then upon any conductor, or officer, agent or employe of such company, in charge of any car owned and used by such sleeping-car company in any county in this state in which any railroad line over which such sleeping-car company is running its cars is located, or through which it passes.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

850G

[House Bill No. 839.]

## AN ACT

To amend section 3718a.

Offenses against public policy:

Jurisdiction of justices, police judges and mayors in prosecutions for adulteration, deception and cruelty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3718a of the Revised Statutes be and the same is hereby amended to read as follows:

Sec. 3718a. Any justice of the peace within his county and city, and police judge or mayor of any city or village within his city or village, shall have jurisdiction in cases of violation of the laws to prevent adulteration of food and drink, the adulteration and deception in sale of dairy prod

ucts, and drugs and medicines, and any violation of the law for prevention of cruelty to animals, or under section 6984 of Revised Statutes, or section 6984a thereof, as herein enacted. If such prosecutions be before a justice of the peace and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county to serve as jurors to try such case and make due return thereof. Each party shall be entitled to two peremptory challenges and shall be subject to same challenges as jurors are subject to in criminal cases in court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill panel, the justice may direct the constable to summon any of the bystanders to act as jurors; provided, that in all cases prosecuted under the provisions of this section, no costs shall be required to be advanced or paid by person or persons authorized under the law to prosecute such cases; and provided further, that in all cases brought under the provisions of this section, if the defendant be acquitted, or if convicted and committed in default of paying fine and costs, the costs of each case shall be certified under oath to county auditor, who, after correcting the same, shall issue (a) warrant on county treasurer in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals, the humane society, or their agents, may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury, as the county commissioners may deem just and reasonable.

Judicial proceedings in such cases before justices.

Costs.

Attorney in prosecution for cruelty to animals.

SECTION 2. Said original section 3718a is hereby repealed, and this act shall take effect and be in force after its passage.

Repeals, etc.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
351G

[House Bill No. 854.]

## AN ACT

To authorize the construction of an embankment across the northwest corner of the Grand reservoir, and the sale of certain lands herein named to pay for such construction.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized and required to construct an embankment across the northwest corner of the Grand or Mercer county reservoir, near the town of Celina, beginning for the

Construction of embankment across Grand or Mercer county reservoir.

western terminus at a point on the west embankment of the Grand reservoir in the southwest quarter of section 6, T. 4, R. 3, opposite the center of the old basin, between the mills thence extending in a southeasterly direction to the southeast corner of the southwest quarter of section 5, same town and range, along the route D. B. C. of the survey of J. M. DeFord, civil engineer, made May 8 and 9, 1894, or a route approximating as nearly thereto as may be deemed practicable by the board of public works and canal commission. Said embankment shall extend not less than two feet above high water mark, and have a uniform width on top sufficient for a retaining-wall, and there shall be made along the north side of said embankment a ditch for the purpose of draining the reclaimed territory, which said ditch shall, for its outlet, pass under the west embankment of the reservoir and empty in Beaver ditch. The said embankment shall be constructed during the summer of 1894, under the supervision and direction of the board of public works; and for the purpose of defraying the expenses of the said work, there is hereby appropriated from the earnings of the Miami and Erie canal for the present fiscal year, the sum of \$10,000, or so much thereof as may be necessary.

Appropriation  
for expenses.

Platting and  
map of re-  
claimed ter-  
ritory.

SECTION 2. Upon the completion of said embankment, the canal commission of the state shall, under the direction of the board of public works, proceed to lay off and plat into town lots, with streets and alleys corresponding to the streets and alleys of Celina, so much of the reclaimed territory adjoining the town of Celina as shall, by said canal commission, be deemed advisable; the balance of said reclaimed territory shall be, by said canal commission, platted into forty-acre tracts, the lines of which said tracts shall, as nearly as possible, follow the regular sectional subdivision lines. The canal commission shall prepare a large map showing all such lots and tracts of land, at least one copy of which shall be posted in the mayor's office in the city hall of Celina, and open to public inspection during the time of advertisement spoken of in the following section.

Sale of lots and  
tracts.

SECTION 3. After the completion of the plats and map of the reclaimed territory, the canal commission shall appoint a day at which time said town lots and forty-acre tracts shall be sold by said canal commission at public auction to the highest bidder, upon such terms of sale as the canal commission shall deem best. Notice of said sale of lots and lands shall be given by said canal commission by publication in all the weekly papers of Mercer county, and such papers out of Mercer county as said canal commission may deem advisable. Said publication shall be for at least four weeks, and the notice shall contain the information that maps and plats of said lots and tracts of land may be seen in the city hall of Celina, and in the office of the state canal commissioner at Columbus.

SECTION 4. All sums of money received by the canal commission for the sale of such lands shall be at once returned to the state treasury and placed to the credit of the Miami and Erie canal fund, to replace the money appropriated under section 1 of this act until all money so appropriated has been replaced, then the balance shall be paid into the general revenue fund of the state.

Disposition of proceeds.

SECTION 5. This act shall take effect and be in force from and alter its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

352G

[House Bill No. 891.]

## AN ACT

To provide for the organization and regulation of credit guaranty corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons not less than five, may associate and form a company to guarantee and indemnify merchants, manufacturers, traders and those engaged in business, and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them, by making, acknowledging and filing articles of incorporation pursuant to, and by complying with sections 3588, 3589 and 3590 of the Revised Statutes of Ohio.

Credit guaranty companies; organization.

SECTION 2. No such company shall be organized with a less capital than one hundred thousand dollars (\$100,000), and the whole capital shall, before proceeding to business, be paid in and invested in treasury notes, in stocks or bonds of the United States, in stocks or bonds of the state of Ohio, or of any municipality or county thereof or in mortgages on unincumbered real estate within the state of Ohio, worth double the amount loaned thereon at the time such loan is made.

Capital stock.

SECTION 3. Any such company may increase its capital stock as provided in section 3592 of the Revised Statutes of Ohio.

Increase of capital.

SECTION 4. Any such company may invest its capital stock and change such investment as provided in section 3593 of the Revised Statutes of Ohio; but no such company shall commence business until it has made the deposit of securities provided for in said section, which shall be held and controlled by the superintendent of insurance for the purpose and in the manner provided in said section 3593 and in section 3594 of the Revised Statutes of Ohio.

Investment of capital; deposit with superintendent of insurance.

Certificate of deposit and of authority to transact business.

**SECTION 5.** When such company is fully organized and has deposited the requisite amount of securities, as hereinbefore provided, together with a certified copy of the papers required by this act, the superintendent of insurance shall, unless he find the name assumed by such company so nearly similar to the name of another company organized in this state as to lead to uncertainty or confusion on the part of the public, furnish such company with a certificate of such deposit and of authority to commence and transact business.

Powers of companies.

**SECTION 6.** No such company shall undertake any business or risk except as herein provided, and such companies shall have the right, power and authority to agree to pay to merchants, manufacturers, dealers and persons engaged in business and giving credit, the debt or debts, or such part thereof as may be agreed upon, owing to them, or which may be thereafter owing to them, and to indemnify them from loss on account thereof in such an amount or per cent. as may be agreed upon, and to charge and receive therefor such a sum or per cent. as the consideration for such an agreement, guaranty or indemnity as shall be agreed upon between such corporation and the person guaranteed or indemnified, and to buy, hold, own and take an assignment of any and all claims, accounts and demands so guaranteed, and to hold, own and collect the same, and to enforce the collection thereof by action the same as the original holder and owner thereof might or could do; and such corporation may also guarantee the payment of money for personal services under contract of hiring. Any such corporation may use its capital stock or its funds accumulated in the course of its business to purchase or pay for any claim or demand, the payment of which it has guaranteed; or against the loss of which it has indemnified the holder; and such of its capital stock or accumulated funds as may not be so used shall be invested in the same classes of securities in which the deposit to be made with the superintendent of insurance is required by the provisions of this act to be invested; provided, that when on account of losses or otherwise, the amount of the funds of any such corporation shall fall below such sum as is required to be deposited by this act, no further guaranty of indemnity shall be issued until the deficiency has been made good.

Annual statements of companies.

**SECTION 7.** The president or vice-president of each company organized under this act, or under the laws of any other state, and doing business in this state, shall, annually, on the first day of January, or within thirty days thereafter, prepare under oath and deposit in the office of the superintendent of insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, and in the following form, to wit:

*First.* The amount of the capital stock of the company, specifying the amount paid and unpaid.

*Second.* The property or assets held by the company, specifying:

Annual statements of companies.

1. The value of the real estate owned by such company, where it is situated, and the value of the buildings thereon.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages which are first liens on real estate and on which there is less than one year's interest due.

5. The amount of loans on which interest has not been paid within one year.

6. The amount due the company on which judgments have been obtained, and the cash value thereof.

7. The amount of stocks in this state, the United States, of any city in this state, and of any other stocks owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stocks.

8. The amount of stock held as collateral security for loans, with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid, and the amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies or bonds of guaranty or indemnity are issued.

12. The number of policies or bonds of guaranty or indemnity in force.

13. The amount of premiums received thereon.

14. The amount and description of all other assets.

15. The amount guaranteed under all policies in force.

*Third.* The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. Gross losses in process of adjustment or in suspense, including all reported and supposed losses.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends, either cash or scrip, declared, but not due.

6. The amount of money borrowed, and the security given for the payment thereof.

7. The amount of all other existing claims against the company.

*Fourth.* The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.



2. The amount of notes or contingent assets received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

*Fifth.* The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.

5. The amount of all payments and expenditures.

6. The amount of scrip dividend declared.

Requirements  
of companies of  
other states.

SECTION 8. Any corporation, company or association organized under the laws of any other state of the United States to transact a like business as that provided for in this act, may be admitted and licensed to do business in this state; but as a condition precedent to being admitted to, and transacting business in this state, shall comply with the following conditions, to wit: Deposit with the superintendent of insurance (1) a certified copy of its charter or articles of incorporation; (2) a certificate from the insurance commissioner or superintendent of insurance of its own state showing its authority to do such business; (3) a certificate from said commissioner or superintendent or like authority of its own state, that corporations, companies or associations of this state engaged in a like business, are, upon complying with the laws of said state, legally entitled to do business in such state; (4) a statement under oath of its president and secretary, or like officers, in the form provided for in this act of its business for the preceding year; (5) a copy of its policy, bond or guaranty, application and by-laws; (6) a certificate from the insurance commissioner, superintendent of insurance or other proper officer of its own state, that such company has invested at least one hundred thousand dollars of its assets in the interest-paying bonds or stocks of the United States or of this state, or of some other state of the United States, of the market value of one hundred thousand dollars in the city of New York, or in bonds and mortgages on unincumbered real estate in this state, or in the state under the laws of which it is organized, of at least double the value of the amount loaned thereon; that such securities are held under the laws of such state by such officer for the benefit of all its policy, bond or guaranty-holders; and such certificates shall also state the character of the securities held by such officer, and their value; (7) a duly certified copy of the resolution of its board of directors appointing an attorney in

this state upon whom service of summons or other process in all actions begun in this state may be made.

SECTION 9. No deposit in this state shall be required of any corporation, company or association of another state, if such company, corporation or association has made the deposit in its own state, referred to in the last preceding section, and has filed with the superintendent of insurance of this state the certificate mentioned in the last preceding section as evidence of such deposit.

Exemption of company of other state from deposit in this state.

SECTION 10. Any corporation organized under this act, or doing business in this state hereunder, which shall fail or refuse to file a statement or report, shall forfeit its right to do business under this act, which forfeiture the superintendent shall enforce by proceedings in quo warranto; and it is hereby made the duty of the attorney-general of the state to institute such proceedings upon his request in writing.

Forfeiture of right to do business.

SECTION 11. Any such corporation, association or company shall be subject to examination by the superintendent of insurance of this state under and pursuant to the provisions of the laws of this state relative to the examination of life insurance companies.

Examination by superintendent of insurance.

SECTION 12. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
353G

[House Bill No. 969.]

## AN ACT

To amend section 437 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 437 of the Revised Statutes of Ohio be amended so as to read as follows:

Supreme court.

Sec. 437. In lieu of the letting and printing and binding of the reports by the means aforesaid, the reporter may contract with any responsible person or firm to furnish the material and to print and bind in the manner, in all respects and with the expedition provided in this chapter, a sufficient number of copies of each volume of the reports to supply the state with three hundred and fifty copies, at a cost not exceeding one dollar and twenty-five cents per volume, and the demand of the citizens of this state, at a cost not exceeding one dollar and fifty cents per volume, delivered at some convenient point within the state; and in addition thereto, to furnish the secretary of state

Reporter may contract for printing and binding of reports; price per volume.

Bond of contractor.

Period of contract; rights of contractor.

Repeals, etc.

promptly with a requisite number of advance sheets of such reports, as herein provided, for distribution as aforesaid; and the price per volume of the reports to any person or firm in this state shall not exceed the sum named in the contract with the reporter, for a period of twenty years; and such person or firm so contracting, shall enter into bonds to the state, with at least three good and sufficient sureties, residents of the state, to the satisfaction of the governor, in the sum of ten thousand dollars, conditioned for the printing and binding, as provided in this chapter, of such reports for the state, and for citizens thereof, on demand, at a cost named in such contract, and for the furnishing of such advance sheets for distribution, as aforesaid. Such contract shall not be for a longer period than two years; and such contractor shall have the sole and exclusive right to publish such reports, so far as the state can confer the same, during such period of two years, and shall be furnished with the manuscript to be printed, as provided in this chapter.

SECTION 2. Section 437 as heretofore amended is hereby repealed and this act shall be in force from its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

354G

[House Bill No. 1021.]

## AN ACT

To amend section 2672 of the Revised Statutes as amended April 13, 1892 (O. L., vol. 89, page 267).

Licenses in Cincinnati:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 19 (as amended April 13, 1892,) of an act entitled "An act to provide a license on trades, business and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 16th, 1883 (O. L., vol. 80, page 129), be amended so as to read as follows:

Peddlers or hawkers.

Sec. 19. Peddlers or hawkers of produce or goods from vehicles drawn by animal power shall pay a license fee of twenty-five (25) dollars per annum, and those selling goods from vehicles drawn by hand or carried by one or more persons shall pay a license fee of five (5) dollars per annum. Peddlers or hawkers of meat, fish, game, poultry, oysters, vegetables, fruit, candies, groceries, produce or dairy products, from stands, shall pay a license fee of fifteen (15) dollars per

annum. Provided that any person selling agricultural produce of his own raising shall not be liable for license for selling, hawking or peddling the same in any mode or manner in the markets, public streets or alleys of said city, and provided further that the city auditor shall have authority to grant free or charity licenses to peddle from vehicles drawn by hand or carried by one person, to indigent persons residents of said city, upon receiving a certificate of recommendation, signed by the member of the board of legislation representing the ward in which said applicant resides, or from some regularly organized charitable association, and the production of satisfactory information of the inability of such person to pay for said license; and provided, further, that the said city auditor, upon the application of any honorably discharged soldier or sailor, who is a citizen of such corporation, shall grant to such soldier or sailor, a free license to engage in the business of hawking, peddling or vending from vehicles drawn by hand, or carried by one person, any goods, wares or merchandise, by traveling from house to house, when there is furnished to said city auditor satisfactory evidence of an honorable discharge from the military or naval service of the United States. It shall, however, be competent for such city auditor issuing such license, to revoke and cancel the same whenever it is shown, to his satisfaction, that such person has been guilty of any wrongful act in connection with any such business, or is not otherwise a fit person to be engaged in such business. Such persons so licensed without cost, and engaged in such business, shall, in all other respects, comply with the laws of the state and the ordinances of such corporation, and a failure so to do shall be a sufficient cause to revoke and cancel any such license.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby declared invalid as to such inconsistency, but not otherwise and this act shall take effect from and after its passage.

Inconsistent  
laws, etc.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
355G

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[House Bill No. 1050.]

## AN ACT

To amend section 4017 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4017 of the Revised Statutes be amended so as to read as follows: Schools:

Control of  
schools vested  
in board; ap-  
pointees.

Sec. 4017. Each board of education shall have the management and control of the public schools of the district with full power to appoint a superintendent and assistant superintendents of the schools, a superintendent of buildings, and teachers, janitors and other employes, and fix their salaries or pay, which salaries or pay may be increased but shall not be diminished during the term for which the appointment is made; but no person shall be appointed for a longer term than that for which a member of the board is elected; and such board may dismiss any appointee for inefficiency, neglect of duty, immorality, or improper conduct.

Repeals etc.

SECTION 2. That section 4017 as heretofore amended is repealed and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
356G

[House Bill No. 1062.]

## AN ACT

To amend section 2264, as amended April 16, 1892, and section 2270, as amended April 27, 1893.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2264 as amended April 16, 1892, and section 2270 as amended April 27, 1893, of the Revised Statutes of Ohio, be amended so as to read as follows:

Assessments  
which may be  
made special;  
exception as to  
Cleveland.

Sec. 2264. In the cases provided for in the last section, and in all cases where an improvement of any kind is made, except in cities of the second grade of the first class, of an existing street, alley or other public highway, the council may decline to assess the costs and expenses in the last section mentioned or any part thereof, or the costs and expenses or any part thereof of such improvement, except as hereinafter mentioned, on the general tax list, in which event such costs and expenses or any part thereof which may not be so assessed on the general tax list, shall be assessed by the council on the abutting and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefit which may result from the improvement, or according to the value of the property assessed or by the foot front of the property bounding and abutting upon the improvement, as the council by ordinance setting forth specifically the lots and lands to be assessed may determine before the improvement is made, and in the manner and subject to the restriction herein contained; provided, however, that in cities of the

Defiance.

fourth grade of the second class, which by the federal census of 1890 had and those which by any subsequent federal census may have a population of not less than seven thousand six hundred and ninety (7,690) nor more than seven thousand seven hundred (7,700) the council may assess one-third of the costs and expenses of making any such improvement upon the general tax duplicate of such city, and two-thirds thereof against the bounding and abutting lots and lands according to the foot front, and in either such case the assessments shall be payable in one or more instalments, and at such times as the council may prescribe; but this section shall be subject to the provisions of chapter two of this division, and in cities of the first and third grades of the first class, at the time when the council determines that the cost of such improvement is to be assessed as above provided, it shall also determine in how many instalments said assessments shall be payable; at what intervals, if payable in more than one instalment; also whether or not bonds shall be issued in anticipation of such assessment; and when bonds are issued in anticipation of the collection of such assessment, the interest accrued and to accrue on said bonds shall be considered and treated as part of the costs and expenses of such improvement for which assessments may be made. In cities of the third grade of the first class, such assessments, when made, shall become due and payable at the time and in the manner provided by the council, and if said assessments or any instalment thereof shall not be paid at the time the same becomes due, a penalty of fifteen (15) per centum shall thereupon attach to such unpaid assessment or instalment, and thereafter such unpaid assessment or instalment shall bear interest until the payment thereof at the same rate as the bonds issued in anticipation of the collection of such assessment; and the county auditor shall, annually, place upon the tax duplicate the penalty and interest herein provided for. When the council of said cities of the third grade of the first class shall determine to issue bonds in anticipation of the collection of assessments provided for in this section or required by section twenty-two hundred and seventy-four (2274), the provisions of section two thousand seven hundred and two (2702) shall not apply; nor shall said section 2702 apply when a part, not in excess of one-third of the cost and expenses of any such improvement or appropriation is to be paid by any such city by levy or assessment upon the general tax list, issue of bonds, or otherwise, as may be provided by law; and any such city of the third grade of the first class is hereby authorized to issue and sell its general street improvement bonds at a rate for interest not in excess of five (5) per cent. per annum, payable semi-annually, to pay for the city's part or share as aforesaid, of the cost and expense of any such improvement and appropriation, and may levy taxes, in addition to the tax now by law authorized to be levied therein or make assessments as provided in the preceding section to pay such bonds and inter-

Instalments

Cincinnati and  
Toledo.

Toledo.

Cities second  
class, third  
grade, and  
Springfield.

est thereon. When the council of cities of the second class and third grade and cities of the second class and third grade *a*, determine to issue bonds in anticipation of the collection of assessments to pay the costs and expenses of appropriating lots and lands for the purpose of laying off, opening, extending, or widening a street, alley or other public highway, the provisions of section twenty-seven hundred and two (2702), shall not apply.

Limitations on  
special assess-  
ments in munic-  
ipalities other  
than cities of  
the first class  
and Hamilton  
and Cuyahoga  
county villages.

Sec. 2270. In municipal corporations other than cities of the first class, or in incorporated villages in counties containing a city of the first or second grade of the first class, the tax or assessment specially levied and assessed on any lot or land, for any improvement, shall, in no case, except as hereinafter provided, and except also as provided in section 2272, amount to more than twenty-five per centum of the value of the property, as assessed for taxation, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as hereinafter provided, and except also as provided in section 2272 there shall not be collected of such assessment in any one year, more than one-fifteenth of the value of the property on which the assessment is made as valued on the tax list for taxation. Provided, however, that in all cases where the council of any city of the fourth grade of the second class having by the federal census of 1890 or at any subsequent federal census a population of not less than seven thousand six hundred and ninety (7,690) nor more than seven thousand seven hundred (7,700), shall, under the provisions of section 2264, assess one-third of the costs and expenses of any improvement on the general tax duplicate of such city, and two-thirds of such costs and expenses against the bounding and abutting lots and lands, such assessment shall be made without reference to the value of such bounding and abutting lots and lands, whether subdivided or otherwise; but in no such case shall the total amount assessed against any such bounding and abutting lots and lands exceed two dollars and twenty-five cents (\$2.25) per front foot, and all excess of said proportion of any such improvement over and above said sum of two dollars and twenty-five cents per front foot as aforesaid shall, together with said one-third part of the total costs and expenses of such improvement, be assessed on the general tax duplicate of such corporation as aforesaid; provided, further, that not more than one-tenth of the amount so assessed against any such lot or lands shall be collected in any one year, and in all cases where the council of any such city of the fourth grade of the second class shall provide for the payment of the costs and expenses of any such improvement in the manner aforesaid the proportion thereof to be assessed on the general tax duplicate of such city as well as the proportion assessed or ordered to be assessed against the bounding and abutting lots and lands may be anticipated and the bonds of such city issued and sold therefor, and when any

Defiance.

bonds shall be issued and sold such city may levy whatever rate of taxes may be necessary in addition to the taxes authorized by law for all other purposes for the purpose of providing for the payment of the proportion of any such assessment assessed upon the general duplicate of such city as aforesaid and all accruing interest thereon.

SECTION 2. Said section 2264, as amended April 16, 1892, and said section 2270, as amended April 27, 1893, be and said sections hereby are repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
357G

[House Bill No. 1073.]

### AN ACT

To amend section 3036 of the Revised Statutes of Ohio as amended April 27, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3036 of the Revised Statutes of Ohio as amended April 27th, 1893, be amended so as to read as follows: Militia:

Sec. 3036. Each regiment of infantry shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three and not more than five companies each, and shall have a colonel, a lieutenant-colonel, one major for each battalion, a surgeon with rank of major, one assistant surgeon for each battalion with rank of captain, a quartermaster with rank of captain, an inspector of rifle practice with rank of captain, a regimental adjutant with rank of first lieutenant, one commissary with rank of first lieutenant, one battalion adjutant for each battalion in a regiment of two or more battalions with rank of second lieutenant, a chaplain and a non-commissioned staff, consisting of a regimental sergeant-major, and a sergeant-major for each battalion, one quartermaster-sergeant, one commissary-sergeant, a hospital steward, two principal musicians, and a drum-major. A commander of a regiment may enlist a regimental band, to consist of a leader and not more than twelve men for each battalion of his regiment; also a hospital corps of not more than six men for each battalion. Each company shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, an armorer, and not less than thirty-two and not more than fifty-six privates. Infantry organization.



Rep: als, etc.

**SECTION 2.** That section 3036 of the Revised Statutes as amended April 27th, 1893, is hereby repealed and this act shall take effect and be in force on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
858G

[House Bill No. 1077.]

### AN ACT

To amend section 2267 of the Revised Statutes of Ohio, as amended April 13th, 1893, to amend section 2271 of the Revised Statutes of Ohio, as amended April 27th, 1893, and to amend section 2272 of the Revised Statutes of Ohio, as amended April 12th, 1893.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 2267 of the Revised Statutes of Ohio, as amended April 13th, 1893, also section 2271 of the Revised Statutes of Ohio, as amended April 27th, 1893, and also section 2272 of the Revised Statutes of Ohio, as amended April 12th, 1893, be and they are hereby amended so as to read as follows:

Requirements  
for special  
assessments,  
etc.

Certain villages.

Toledo.

Sec. 2267. No public improvement, the cost or part of the cost of which is to be especially assessed on the owners of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to the council concur, unless two-thirds of the owners to be charged, petition in writing therefor; and in villages not situated in a county containing a city of the first class, no special assessment shall be made except for sidewalks, and gutters and sewers provided a main sewer has been constructed, unless it first receive the assent, in writing, of a majority of the owners to be charged therewith. Provided, that in cities of the third grade of the first class no public improvement except sidewalks and sewers the cost or part of the cost of which is to be assessed on the owners of adjacent property shall be made until the majority of the owners of the property to be assessed shall have petitioned to the common council asking for said improvement, and a statement of title showing the existing owners of said property shall have been filed with the city clerk, and until said petition shall have been approved by the city solicitor and his certificate endorsed thereon, the cost of procuring said statement to be taxed as part of the cost of the improvement against the property assessed therefor.

Sec. 2271. In cities of the first grade of the first class, and in corporations in counties containing a city of the first grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272 exceed twenty-five per centum of the value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment in any one year, more than one-tenth of such value of the property on which the assessment is made; and in other cities of the first class, and in corporations in counties containing a city of the second grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land, as determined by the council in advance of the assessment or at the time of making the same, which valuation shall not exceed a fair market value of such lot or lands after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment, in any one year, more than one-tenth of such value, of the property on which the assessment is made; and whenever any street or avenue is opened, extended, straightened or widened, the special assessment for the cost and expense, or any part thereof, shall be assessed only on the lots and lands bounding and abutting on such part of such street or avenue so improved, and shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such depth; and whenever at least one-half in width of any street or avenue has been dedicated to such purpose from the lots and lands lying on one side of the line of such street or avenue, and such street or avenue is widened by taking from the lots and lands on the other side thereof, no part of the cost and expense thus incurred shall be assessed on the lots and lands lying on said first mentioned side, but only upon the other side, and as aforesaid, but said special assessment shall not be in any case in excess of benefits; provided, that in any case in which a street or avenue is opened, extended, straightened or widened, a part of the cost and expense thereof, not in excess of benefits, may be assessed upon the lots and lands bounding and abutting on any such other part, or said "first mentioned side" of such street or avenue, or of any intersecting street or avenue, as the owners of a majority of the feet front thereof have petitioned for such improvement, and consented in such petitions to be so assessed; also provided, that nothing in this section contained shall apply to any improvement ordered, commenced or completed prior to the passage of this act.

Limitations on special assessments in cities of the first class and in Hamilton and Cuyahoga county corporations.

Assessment and collection of cost of improvement of street or highway in cities of the first class and in Hamilton and Cuyahoga county corporations when petition presented for purpose.

Limitation of assessment of non-petitioner.

Petition of married woman, infant or insane person.

Toledo.

Repeals, etc.

Sec. 2272. In cities of the first grade of the first class when a petition subscribed by any owner or owners of property abutting upon any street or highway, of any description, between designated points, is presented to the board of administration for the purpose, and in other cities of the first class or in corporations in counties containing a city of the first or the second grade of the first class, when a petition subscribed by three-fourths in interest of the owners of property abutting upon any street or highway of any description between designated points, is regularly presented to the council for the purpose, the cost of any improvement of such street or highway may be assessed and collected in equal annual instalments, proportioned to the whole assessment, in a manner to be indicated in the petition, or if not so indicated, then in the manner which may be fixed by council; and the interest on any bonds issued by the corporation for the improvements, together with the annual instalments herein provided for, shall be assessed upon the property so improved; but when the lot or land of one who did not subscribe the petition is assessed, such assessment shall not exceed twenty-five per centum of the value of his lot or land after the improvement is made; provided, that whenever in this title the petition of the owners of property is required, a married woman shall have the same authority to sign that she would have if unmarried; and the guardians of infants or insane persons may sign such petition on behalf of their wards only when expressly authorized by the probate court on good cause shown. Provided, that in cities of the third grade of the first class when a petition has been regularly presented to the council, asking for the improvement of a street or alley, and the lot or land of one who subscribed said petition is assessed, said assessment shall be a valid lien against said lot or land for the full amount of said assessment, although it may exceed said twenty-five per centum of the value thereof.

SECTION 2. That said sections 2267, 2271 and 2272 as heretofore amended be and the same are hereby repealed; and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

359G

[House Bill No. 1032.]

## AN ACT

To amend section 1707d—10 of the Revised Statutes of Ohio, as amended March 17, 1892 (O. L., vol. 89, p. 101).

SECTION 1. *Be it enacted by the General Assembly of*

*the State of Ohio*, That section 1707d—10 of the Revised Statutes as amended March 17, 1892 (O. L., vol. 89, p. 101), be and the same is hereby amended so as to read as follows:

Sec. 1707d—10. In any case where assessments are to be made for the improvement, the board shall transmit to council with its recommendation, a resolution or ordinance, as the case may be, declaring the necessity of such improvement, or providing therefor, and at the same time shall submit to council an estimate of the cost thereof. Upon the passage by council of the resolution or ordinance, or both where both are required to be passed, it shall be the duty of the board to advertise for proposals in accordance therewith, for a period of at least ten days in two newspapers of opposite politics and of general circulation in such city, and in one newspaper published in the German language, if there be such paper printed and of general circulation in such city, to do the work or furnish the material required, or both, and the board shall award the contract to the lowest responsible bidder, or reject all bids; but no contract shall be awarded to any bidder, the cost of which shall exceed the estimate submitted to council.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
360G

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[House Bill No. 1093.]

## AN ACT

To amend supplemental section 957b of the Revised Statutes, passed May 8, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 957b, passed May 8, 1894, be so amended as to read as follows:

Sec. 957b. That in counties having a population at the last federal census of not less than 46,000 nor more than 47,000 in which there is a board of infirmary directors elected as provided in said section 957 the office of infirmary director shall from and after the first day of January, 1896, be and the same is hereby abolished and all the duties heretofore performed by said board of infirmary directors in said counties having a population at the last federal census of not less than 46,000 nor more than 47,000 shall after said first day of January, 1896, be performed by the county commissioners of such county or counties.

Dayton:

Proceedings  
when assessments  
to be  
made for im-  
provements.

Infirmary di-  
rectors:

Office abolished  
and duties v. et-  
ed in commis-  
sioners, in Tu-  
carawas county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 361G

[House Bill No. 1094.]

## AN ACT

To amend supplementary section No. 897<sup>o</sup>, passed May 10, 1894.

County com-  
 missioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 897<sup>o</sup> passed May 10, 1894, be and the same is hereby amended so as to read as follows:

Salary, duties  
 and expenses in  
 Tuscarawas  
 county.

Sec. 897<sup>o</sup>. That in counties which by the federal census of 1890 had a population of not less than 46,000 nor more than 47,000 each county commissioner from and after January 1, 1896, shall receive a salary of one thousand dollars per annum payable in monthly instalments out of the county treasury upon the warrant of the county auditor. And in such counties the said county commissioners shall devote all the time that may be necessary to attend to all and singular the duties required of them as such commissioners to protect the best interests of the people of such counties, and said commissioners shall not receive any additional compensation directly or indirectly by way of expense, mileage or otherwise, except when traveling outside of their said county on official business at which times they shall be paid the necessary expense incurred in the discharge of their duties, an itemized statement of which shall be prepared in writing and approved by the prosecuting attorney and probate judge of the county and paid as above provided.

Additional  
 duties of com-  
 missioners in  
 Tuscarawas  
 county.

SECTION 2. In addition to the duties devolving upon the county commissioners of any county in which the population at the last federal census was not less than 46,000 nor more than 47,000 they shall from and after January 1st, 1896, also discharge the duties and perform the labors now being performed by the infirmity directors of such counties.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 362G

[House Bill No. 1096.]

## AN ACT

Making appropriation to pay for certain war relics.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the treasury to the credit of the general revenue not otherwise appropriated the sum of five hundred dollars (\$500), and to be paid to Mrs. Andrew Diehl for certain war relics. Said sum to be paid on the approval of the adjutant-general.

Appropriation  
to pay for war  
relics.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.

363G

# LOCAL LAWS.

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[House Bill No. 2.]

## AN ACT

To authorize the board of education of the Leetonia village union school district of Columbiana county to issue bonds and levy a tax for the purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Leetonia village union school district of Columbiana county be and are hereby authorized to borrow a sum not to exceed twelve hundred dollars and to issue the notes or bonds of said school district payable at such times not to exceed four years as the board of education may direct, and bearing six per cent. interest per annum, payable semi-annually, to be signed by the president and attested by the clerk of said board of education. Said notes or bonds shall not be sold for less than their par value. The proceeds of the sale of said bonds or notes shall be used in paying the present indebtedness of said school district and in repairing and improving the school property.

SECTION 2. For the purpose of enabling said board of education to pay said bonds and interest, said board of education are hereby authorized to levy a tax of one mill in addition to the tax now authorized by law on all the taxable property of said school district for a period not to exceed three years, which tax shall be used in paying said bonds or notes and interest.

SECTION 3. This act to be in force and take effect from and after the passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed January 16, 1894.  
11.

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[House Bill No. 14.]

## AN ACT

To authorize the trustees of Ludlow township, Washington county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Ludlow township, Washington county, be

and are hereby authorized to transfer the sum of one hundred and seventy-five dollars from the poor fund to the general township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed January 16, 1894.

2L

[House Bill No. 22.]

### AN ACT

To authorize the trustees of Marion township, Hardin county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Marion township, Hardin county, be and are hereby authorized to transfer the sum of two hundred and fifty dollars (\$250) from the road fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed January 16, 1894.

3L

[House Bill No. 46.]

### AN ACT

To authorize the board of education of the Port Clinton special school district, of Port Clinton, Ottawa county, to call in outstanding bonds and issue other bonds covering the indebtedness thereof, for the purpose of extending the time of payment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Port Clinton special school district of Port Clinton, Ottawa county, Ohio, be and the same is hereby authorized and empowered to call in certain outstanding bonds of said district in denominations of \$2,000 each, dated September 1st, 1891, due respectively September 1st, 1894, September 1st, 1895, and September 1st, 1896, bearing interest at six per cent. per annum, payable semi-annually, aggregating the sum of \$6,000, and which were issued by said board of education in the year 1891, pursuant to a vote of said district by the electors thereof, to pay for the construction of a new school building in said district, and to issue other bonds of said district in liquidation of the same for the purpose of extending the time of payment of said indebtedness. Said board of education are hereby authorized and empowered to take in and pay off said outstanding bonds



aforesaid mentioned, and to issue other bonds, covering said indebtedness, in said sum of \$6,000, in denominations of \$500 each, due at such times as the board may determine not exceeding seventeen years, bearing interest at six per cent. per annum, payable semi-annually, to have interest coupons attached and to be dated the day of delivery of the same to purchaser; the same to be signed by the president and clerk of said board of education after a resolution of said board duly passed and entered upon the record of the proceedings of said board, authorizing the same; but said board of education shall withhold the execution and delivery of said bonds until they shall have made all certain arrangements with the holder of said outstanding bonds to redeem the same, and then said board shall negotiate said bonds at not less than the par value and with the proceeds thereof shall pay off said outstanding bonds and redeem the same, and as soon as the same shall be redeemed they shall be destroyed, and the said board of education shall each year levy a tax upon the property of said district, in addition to all other levies provided by law, sufficient to pay the interest upon said bonds and said bonds as they shall come due.

SECTION 2. An act passed March 23, 1893, entitled "An act to authorize the board of education of the Port Clinton special school district of Ottawa county, Ohio, to call in certain outstanding bonds and issue other bonds covering the indebtedness thereof, for the purpose of extending the the time of payment," 90 vol. O. L. pp. 392 and 393, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed January 16, 1894.

4L

[House Bill No. 56.]

## AN ACT

To authorize the board of education of Clifton village school district in Greene and Clark counties to issue bonds to complete and furnish town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Clifton village school district in Greene and Clark counties, be and the same is hereby authorized to issue and sell the bonds of said school district in any sum not exceeding eight hundred dollars, in denomination of one hundred dollars each, said bonds to bear interest at six per cent. per annum, payable semi-annually, which bonds are to be advertised and sold to the highest responsible bidder at not less than their face value, and the proceeds applied to the purposes above mentioned.

SECTION 2. There shall be certified and levied upon the taxable property of said school district in addition to the other levies authorized by law a tax on all the taxable property of the district sufficient to provide for the payment of said bonds and the interest thereon as the same may become due and payable.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.  
 5L

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[House Bill No. 68.]

### AN ACT

To authorize the commissioners of Highland county, Ohio, to build a jail and a residence in the same for the sheriff of said county and to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Highland county, Ohio, are hereby authorized and empowered to construct a jail, including apartments therein to be used by the sheriff or jailer of said county as a residence, at the county seat of said county, to wit, at the incorporated village of Hillsboro; and a plan shall be determined upon, and the contract let according to law, which contract shall require the building aforesaid to be completed as soon as practicable, at a cost not to exceed twenty-five thousand dollars.

SECTION 2. No change or alteration shall be made which will affect the contract, unless the difference in the cost of said alteration or change be first agreed upon by the said commissioners and the contractor affected by said change or alteration; and no change or alteration shall be made which shall increase the cost of said jail building and sheriff's residence therein over the sum of twenty-five thousand dollars.

SECTION 3. That said commissioners for the purpose of paying for the erection of said jail and sheriff's residence are hereby authorized and empowered to issue and sell bonds of said county in the sum of not less than one hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, said bonds to be paid at such times as said commissioners may prescribe within seven years from the issue thereof, said bonds in the aggregate not to exceed the sum of twenty-five thousand dollars, and said bonds shall not be sold at less than their par value and the principal and interest shall be paid at the county treasurer's office of said county. The bonds so issued shall be signed by said county commissioners or any two of them, and countersigned by the auditor of said county.

SECTION 4. Said county commissioners shall annually at their regular session levy such amount of taxes as will pay the interest on said indebtedness and the principal as it becomes due.

SECTION 5. That the commissioners of said county be and they are hereby authorized to remove and dispose of the materials of the old jail and sheriff's residence, or sell the same, to be removed at public or private sale, as they may deem best.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.

6L

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[House Bill No. 72.]

AN ACT

To authorize the council of the village of Taylorsville, the county of Muskingum, to transfer certain funds from the water-supply fund and street and alley fund to the light fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Taylorsville, county of Muskingum and state of Ohio, be and they are hereby authorized and empowered to transfer two hundred and fifty dollars from the water-supply fund to the light fund and fifty dollars from the street and alley fund to the light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.

7L

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[House Bill No. 75.]

AN ACT

To authorize the council of the village of New Philadelphia to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of New Philadelphia, Tuscarawas county, be and is hereby authorized to transfer seventeen hundred and fifty dollars from the general sewer fund to the Third and Fair street sewer fund; two hundred and ninety dollars from the general sewer fund to the North Broadway street sewer fund; eleven hundred and fifty dollars from the general sewer fund to the South Broadway street sewer fund, and nineteen hundred and forty dollars from the general sewer fund to the High street sewer fund, the same to be returned to the general sewer fund as the special assessments are paid into said several funds, with interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.

8L

[House Bill No. 79.]

## AN ACT

To authorize the council of the incorporated village of Wilmington, Clinton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of incorporated village of Wilmington, Clinton county, Ohio, be and are hereby authorized and empowered to transfer three thousand three hundred dollars (\$3,800) from the building fund to the light fund and one thousand dollars (\$1,000) from the building fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.

9L

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[House Bill No. 91.]

## AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Milan in the county of Erie be authorized and empowered to transfer the funds of the said village as follows: From the police fund to the park fund fifty dollars; from the police fund to the light fund two hundred dollars; from the police fund to the street fund two hundred and fifty dollars; from the police fund to the water-works bond fund three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.

10L

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[House Bill No. 96.]

## AN ACT

To authorize the trustees of Tully township, Marion county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Tully township, Marion county, in the state of Ohio, be and they are hereby authorized to transfer the sum of fifty dollars (\$50) from the township fund to the English sparrow fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.  
11L

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[House Bill No. 107.]

AN ACT

To authorize the trustees of Center township, Wood county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Center township, Wood county, Ohio, be and they hereby are authorized to transfer the following sums all from the soldiers' monument fund, to wit: Seven hundred (\$700) dollars to the road fund; five hundred (\$500) dollars to the poor fund; and four hundred eighty-nine and  $\frac{7}{10}$  dollars (\$489.75) to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.  
12L

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[House Bill No. 117.]

AN ACT

To authorize the council of the village of Bairdstown, Wood county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Bairdstown, Wood county, Ohio, be and it is hereby authorized and empowered to transfer the sum of six hundred and fifty (\$650) dollars from the general fund to the building fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 17, 1894.  
13L

[House Bill No. 87.]

## AN ACT

To authorize the trustees of Bloomfield township, Trumbull county, Ohio, to sell all their right, title and interest in the old town hall and site, and apply the proceeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Bloomfield township, Trumbull county, Ohio, be and they are hereby authorized and empowered to sell their right and title in the old town hall and site in said township, and to apply the proceeds realized from such sale to the purchase of a suitable site and towards the erection of a town house thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 18, 1894.  
14L

[House Bill No. 124.]

## AN ACT

To authorize certain cities to transfer funds.

[IRONTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city which at the last federal census had, or which at any subsequent federal census may have, a population of not less than 10,925, nor more than 10,950, be and the same is hereby authorized and empowered to transfer not to exceed the sum of \$3,000 from the new street fund to the sewer fund of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 22, 1894.  
15L

[Senate Bill No. 19.]

## AN ACT

To authorize the commissioners of Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Portage county, Ohio, be and they are hereby authorized to transfer the sum of two hundred (\$200) dollars from

the bounty fund and one hundred and fifty-seven dollars and thirty cents (\$157.30) from the script fund to the county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate*

Passed January 23, 1894.

16L

[Senate Bill No. 27.]

## AN ACT

To authorize any township having a population at the last federal census, or which at any subsequent federal census may have a population of not less than thirty-five thousand nor more than thirty-six thousand, to establish a free public park.

[YOUNGSTOWN TOWNSHIP, MAHONING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any township having a population at the last federal census, or which at any subsequent federal census may have a population of not less than thirty-five thousand nor more than thirty-six thousand, there shall be a board of park commissioners, to be appointed by the court of common pleas of the county where situated, to consist of three suitable resident freeholders of the township, one to serve for one year, one for two years and one for three years from and after the second Monday of May succeeding said appointment, and thereafter one commissioner annually, to serve for three years; and in case any vacancy shall occur or exist in the membership of said board by death, resignation or otherwise, said court shall fill such vacancy by appointment for the unexpired term.

SECTION 2. Such commissioners shall constitute a board, to be called the township park commissioners, and they shall serve without compensation. They shall have power to locate, establish, improve and maintain a free public park within and for such township, and to accept a conveyance of, purchase or appropriate suitable lands and materials for that purpose. It shall be their duty to have careful surveys and plats made of the lands acquired for park purposes, and establish permanent monuments of their boundaries; and such plats, when executed according to the law providing for the execution of plats by corporations, shall be admitted to and recorded in the office of the county recorder, and such record shall be admissible in evidence at all times for the purpose of locating and ascertaining the true boundaries of such park.

SECTION 3. The township park commissioners shall devise all plans for the improvement of such park, and award all contracts therefor, in the manner now provided by law governing township trustees in awarding contracts for public improvements. They shall have power to appoint a guardian for such park and all other necessary officers and employes, fix their compensation and prescribe their duties, to prohibit selling, giving away or using as a beverage any intoxicating liquors in said

park, or within one-half mile of its limits; to pass by-laws, rules and regulations for the government of such park, and to protect it from injury and provide for their enforcements by fines and penalties; but such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

**SECTION 4.** When the township park commissioners can not procure lands or materials desired for park purposes by deed of gift, or purchase upon terms they regard reasonable, they may appropriate lands or materials for that purpose by proceedings in accordance with the provisions of law regulating the appropriation of private property by municipal corporations. If it is desired at any time to acquire additional grounds for enlarging such park and improving the same, the township park commissioners are hereby empowered to accept a deed of gift of, purchase or appropriate lands therefor, in the manner hereinbefore provided for the original establishment of such park, and they may improve the same; and whenever gravel or other material is desired for the construction, improvement or repair of any roadway or other improvement herein authorized, the township park commissioners are empowered to appropriate and take the same, and for this purpose they may go outside of the township limits.

**SECTION 5.** To defray the expenses of purchasing, appropriating and improving lands for park purposes and maintaining the same as a free public park, the township park commissioners may levy, annually, a sufficient tax for that purpose, not exceeding one mill on each dollar of valuation on all real and personal property, including property within any municipal corporation within the limits of such township, over and above all other taxes and limitations thereon, now authorized by law, unless the question of increasing such levy shall be submitted to and approved by a vote of the electors of such township, at any general or township election, which vote shall be taken on the order of the township park commissioners, specifying the additional levy they desire to make and the purpose for which it is desired; on the making of such order the township clerk shall give notice at least thirty days before said election that the vote will be taken, by publication in not less than two papers of general circulation in said township, and posting printed notices therein in at least five public places; and the electors who favor the proposition shall have printed or written on their ballots "—— park improvement (naming it)—Yes;" and those opposed to the proposition shall have printed or written on their ballots "—— park improvement (naming it)—No;" and if a majority of all the votes cast upon the proposition is in favor of it, the township park commissioners may levy such additional tax.

**SECTION 6.** Whenever any tax is levied as herein authorized, the township park commissioners shall cause the same to be certified to the county auditor for collection, and the same shall be collected as other taxes; and for the purpose of raising money to pay for and improve such park, the township park commissioners may issue the bonds of such township, to be denominated township park bonds, in any sum not in excess of the taxes herein authorized to be levied.

**SECTION 7.** That an act entitled "An act to authorize any township having a population at the last federal census, and which at any subsequent federal census may have a population of not less than thirty-five thousand, nor more than thirty-six thousand, to establish a free public



park," passed April 11, 1893, shall be and the same is hereby repealed; but this repeal shall not extend to or in any way affect the terms of office of the members of any board of township park commissioners, or any of the official acts of such board or the people of any township heretofore done, and any such board as now constituted is hereby continued as the board of township park commissioners under the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 23, 1894.  
17L

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[House Bill No. 53.]

### AN ACT

To authorize the board of education of Collinwood village school district, Cuyahoga county, Ohio, to make an additional levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Collinwood school district, Cuyahoga county, Ohio, be and it is hereby authorized, in addition to the levy already authorized by law, to make an additional levy on all the property in said district, of two mills on the dollar, for contingent purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 23, 1894.  
18L

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[House Bill No. 54.]

### AN ACT

To authorize the board of education of Collinwood village school district, Cuyahoga county, Ohio, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Collinwood village school district, Cuyahoga county, Ohio, is hereby authorized to borrow, for the purpose of completing and furnishing the Collinwood high school building, an amount not exceeding four thousand dollars, and to issue the bonds of said village school district therefor in such amounts and on such terms as the school board may determine; and in addition to the levy already authorized by law, said board shall make sufficient levy on the taxable property in said school district to create a fund to meet the payment of said bonds as the same shall become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 23, 1894.  
 19L

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[House Bill No. 31.]

### AN ACT

To authorize and empower the commissioners of Brown county to make and construct a certain turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county be and they are hereby authorized and empowered to make and construct a good and sufficient free turnpike road by grading, macadamizing and otherwise improving the same, over the following described route: Beginning at the east line of the incorporated village of Aberdeen in the Aberdeen and Manchester road thence as near as may be practical along the line of said road to where it intersects the Glendale and Manchester turnpike at the line between the counties of Brown and Adams, a length of about three miles.

SECTION 2. That for the purpose of defraying the expenses of the construction, those interested therein shall first pay or secure to be paid to said commissioners for the use of said improvement, a sum equal to twenty per centum of all the expenses of said improvement, and remaining eighty per centum shall be raised by levy, and collected on the grand duplicate of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 25, 1894.  
 20L

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[House Bill No. 133.]

### AN ACT

To authorize the council of the incorporated village of Payne, Paulding county, to issue bonds for the purpose of improving the streets, avenues and alleys of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of any incorporated village which by the federal census of 1890 had a population of not less than eleven hundred and forty nor more than eleven hundred and fifty is hereby authorized to issue the bonds of said village in a sum not exceeding

ten thousand dollars (\$10,000) in denominations of not more than one thousand dollars (\$1,000) bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually and redeemable at a period not exceeding twenty-five years from date of issuance. Said bonds shall be signed by the mayor and countersigned by the clerk of said village and shall be made payable at such place or places as the council of said village shall provide and said bonds shall not be sold at less than their par value and may be issued and sold at such times and places and in such amounts as the council of said village shall provide by ordinance.

SECTION 2. That the money arising from the sale of such bonds shall be used by the council of said village for the purpose of grading, draining, macadamizing and improving the streets, alleys and avenues of said village and for no other purpose whatever.

SECTION 3. That whenever the bonds of said village shall be issued as provided in this act, it shall be the duty of the council of said village to levy a tax on all of the taxable property of said village sufficient to pay the interest accruing annually on said bonds so issued and to create a sinking fund for the payment of the principal of said bonds as the same shall fall due; provided that said council may create said sinking fund whenever in its judgment it shall be necessary.

SECTION 4. Before said bonds shall be issued the council of said village shall submit the question of the issuing of such bonds and the taxation to the qualified electors of said village at a special election to be held in said village of which notice shall be given by the council in at least two newspapers published in said village for two weeks prior to said election. Those voting upon said proposition who favor the issuing of said bonds and taxation shall have written or printed on their ballots the words "Street improvement bonds—Yes" and those opposed "Street improvement bonds—No." And if a majority of all the votes cast at said election upon said question shall be in favor of the issuing of said bonds and the levying of said tax the council of said village shall be authorized and empowered to issue said bonds, levy said tax and make said improvements.

SECTION 5. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 25, 1894.

21L

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[House Bill No. 143.]

## AN ACT

To authorize the board of education of the Ada union school district of Hardin county to issue bonds to erect and furnish a public school building in the village of Ada, and to provide for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Ada union school district of Hardin county, Ohio, be and the same is hereby authorized to issue its bonds, not to exceed the sum of five thousand (\$5,000) dollars for the

purpose of completing and furnishing a public school building in the village of Ada, Hardin county, Ohio.

SECTION 2. That said bonds shall be signed by the president of the board of education and attested by the clerk who shall keep a record of the same; said bonds shall be in denominations of not less than five hundred dollars (\$500), nor more than one thousand (\$1,000) dollars, said bonds to mature at such time as said board of education may determine, but not later than five years from date of issue; said bonds shall be negotiable and bear interest at a rate not exceeding six (6) per cent. per annum, payable annually as said board of education may deem best, and said bonds may have interest coupons attached thereto; said bonds shall not be sold for less than their par value and then only to the highest and best bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to completing a public school building in said village, and in the furnishing of the same.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said board of education is hereby authorized and empowered to levy a tax on all the taxable property of such district, not exceeding one mill on the dollar in any one year, in addition, if necessary, to the taxes now authorized by law, which levy shall be placed on the duplicate by the auditor and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 25, 1894.  
22L

[House Bill No. 155.]

## AN ACT

To change the name of Thomas K. Purcelewski, of Wauseon, Fulton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Thomas K. Purcelewski, a resident of Fulton county, Ohio, is hereby changed to Thomas K. Purcel.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 25, 1894.  
23L

[House Bill No. 168.]

## AN ACT

To transfer funds and make a levy to replace the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Akron are hereby empowered to transfer twenty-five hundred dollars from the fire department fund and twenty-five hundred dollars from the police fund to the general fund for the purpose of appropriating said amount in support of the city's poor.

SECTION 2. The said council of the city of Akron are hereby empowered to levy one-half a mill upon the general duplicate of the city of Akron at the usual time of making their annual levy for all purposes; said one-half mill to be in excess of the maximum levy now provided for by statutes and when the same is collected, the amount so received is to be credited to the said fire and police funds of the city from which transfers have been made by the authority of this act.

SECTION 3. This act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 25, 1894.

24L

[House Bill No. 183.]

## AN ACT

To authorize the trustees of Jackson township, Preble county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Jackson township, Preble county, be and are hereby authorized to transfer the sum of three hundred and fifty dollars (\$350) from cemetery fund to the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 25, 1894.

25L

[House Bill No. 102.]

## AN ACT

To permit the commissioners of Tuscarawas county, Ohio, to make an additional levy, not to exceed the sum of three thousand (\$3,000) dollars, to complete the improvements being made upon a bridge across the Tuscarawas river at the village of Newcomerstown in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Tuscarawas county be and they are

hereby authorized to make any additional levy, not exceeding in amount the sum of three thousand dollars, which may be necessary to complete the bridge improvement now in contemplation of being made upon the bridge spanning the Tuscarawas river near the village of Newcomers-town in said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed January 26, 1894.  
26L

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[House Bill No. 131.]

### AN ACT

To relieve Samuel B. Akerman and his sureties upon his bond as township treasurer of Jackson township, Paulding county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of township trustees of Jackson township, Paulding county, are hereby authorized to call a special election in said township of the qualified electors thereof and submit to them the question of relieving Samuel B. Akerman and the sureties on his bond as treasurer of said township from the obligation of three thousand sixty-six and  $\frac{36}{100}$  dollars (\$3,066.36), the amount said Akerman as such treasurer had deposited in Potter's bank when said bank became insolvent and failed.

SECTION 2. Should said board decide to so submit said question it shall cause written or printed notices thereof to be posted up for ten days in at least five of the most conspicuous places in said township giving the date and place of said election, which place shall be the township house and the hours thereof between one and five o'clock P. M. standard time.

SECTION 3. Those favoring such release shall have written or printed on their tickets the words "Release of treasurer and sureties—Yes" and those opposed "Release of treasurer and sureties—No," and if a majority of those voting upon said question vote in favor of such release then no action shall ever be had upon said bond for said \$3,066.36.

SECTION 4. Should said proposition carry, Samuel B. Akerman, as treasurer aforesaid, or his successor in office shall receive the dividends upon said \$3,066.36 from the trustee of Potter's bank as new items of charges against him as such treasurer.

SECTION 5. This act shall take effect from its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed January 26, 1894.  
27L

[House Bill No. 134.]

## AN ACT

To allow a certain private road in Franklin township, Summit county, Ohio, to be worked as a public road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the private road leading along the lands of Joseph Spangler, John Spangler, M. Huver, Wm. Ream, M. Minning, Levi Stump, Jacob Row, J. Frye, F. Stansbury, Lewis Smith, and the heirs of J. Bleiler, and running east and west between sections twenty-one and twenty-eight, from one public road to another in Franklin township, Summit county, Ohio, shall be considered a public highway for purposes of road work, and that the road supervisors of the district through which it runs shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed January 26, 1894.

28L

[House Bill No. 153.]

## AN ACT

To authorize the trustees of Union township, Fayette county, Ohio, to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Union township, Fayette county, Ohio, be and they hereby are authorized and empowered to levy a tax on the taxable property of said township not to exceed eight hundred dollars in addition to that now authorized by law, for the purpose of paying an indebtedness in the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed January 26, 1894.

29L

## AN ACT

To amend section 4 of an act entitled "An act to create the township of Antrim, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township," passed April 12, 1892 (O. L., vol. 89, pp. 612, 613).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four (4) of the act entitled "An act to create the township of Antrim, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving said roads and highways in said township," passed April 12, 1892 (O. L., vol. 89, pp. 612, 613), be so amended to read as follows:

Sec. 4. The trustees of said Antrim township are hereby authorized to levy a tax on all the taxable property in said township, in addition to the amount now authorized by law, not exceeding three (3) mills additional in any one year, for a period not exceeding five years from the passage of this act, for the payment of the expenses of the improvement, repair and macadamizing of the roads in said township; provided, however, that all roads made or improved under the provisions of this act shall be free turnpikes; but the trustees of said township shall have the same power to regulate the width of tires to be used on such roads as is conferred upon county commissioners in section 4904 of the Revised Statutes of the state of Ohio, and the penalties provided by section 4905 of the said statutes shall be applicable and imposed for any violation of the rules adopted by such trustees to regulate travel upon such improved roads; provided, however, that before any penalties shall be attached for the violation of the rules established by said trustees, said rules shall be printed in large type on white cardboard, and shall be posted in at least ten conspicuous places along said route of said free turnpike at least twenty days.

SECTION 2. That original section 4, of which this act is amendatory, is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 30, 1894.

30L

## AN ACT

To authorize the trustees of Marietta township, Washington county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Marietta township, Washington county, be and are hereby authorized to transfer the sum of twelve hundred and six-



teen dollars and fifty cents (\$1,216.50) from the cemetery fund to the township school fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 30, 1894.  
31L

[House Bill No. 39.]

### AN ACT

To amend sections 4 and 75 of act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4 and 75 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, be and the same are hereby amended so as to read as follows:

Sec. 4. All ordinances of a general nature or providing for improvements, all resolutions and other advertising required by law to be published by any or all departments in cities of the second grade of the first class, shall be published in one daily newspaper, which shall be the lowest bidder for publishing, and published and of general circulation in the corporation; provided, that when the estimated cost of any improvement is less than five hundred dollars it shall not be necessary to publish any ordinance providing for the same.

Sec. 75. No contract involving an expenditure to exceed five hundred dollars in amount shall be made without advertising for proposals in accordance with the next following section of this act. When money therefor has been already appropriated by the council, the heads of departments may contract for and make purchases not exceeding two hundred and fifty dollars at any one time, for use in their respective departments, but all such contracts shall forthwith be reported to the city auditor; provided, however, that all city advertising and publication of whatsoever kind, including the publication of ordinances, and resolutions, as required by section 4, shall be at rates not to exceed legal rates as provided in section 4366 of the Revised Statutes.

SECTION 2. Said sections 4 and 75 of said act of March 16, 1891, are hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed January 30, 1894.  
32L

[House Bill No. 163.]

## AN ACT

To authorize boards of education of certain villages and cities to increase the levy for the maintenance of schools.

[NILES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of any village or city having at the last federal census not less than four thousand two hundred and eighty and not more than four thousand three hundred or which may at any federal census have such population is hereby authorized to increase the levy to an amount not exceeding eight mills on each dollar's valuation of taxable property for two years after the passage of this act as provided in section 2, the money arising from such increase in the levy to be placed in the contingent fund for the continuance of the schools of the district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 30, 1894.

33L

[House Bill No. 192.]

## AN ACT

To authorize the council of the incorporated village of Holgate, Henry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Holgate, Henry county, Ohio, be, and they are hereby authorized to transfer the sum of one thousand dollars from the surplus in the clerk and marshal fund to the street and fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 30, 1894.

34L

[House Bill No. 110.]

## AN ACT

To repeal an act passed April 27, 1893, entitled "An act to authorize the county commissioners of Hamilton county to make an additional levy for bridge purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed April 27, 1893, entitled "An act to au-

thorize the county commissioners of Hamilton county to make an additional levy for bridge purposes," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 31, 1894.

35L.

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[House Bill No. 266.]

### AN ACT

To authorize cities of the second grade, second class, to issue general street and improvement bonds for the purposes specified herein.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the second grade of the second class the board of city affairs is hereby authorized and empowered to issue the bonds of said city in an amount not to exceed fifty thousand dollars (\$50,000), in denominations of not less than one thousand dollars (\$1,000), payable at such times, not exceeding twenty years, as the said board may determine, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually; and the proceeds from the sale of such bonds and the premiums, if any, derived from their sale shall be applied for the purposes of repairing or cleaning the streets, alleys, sidewalks, and highways of such city, or strengthening or raising embankments or levees, or building retaining walls for the protection of such city from overflow or its buildings from being undermined, for the purchase and preparation of material for use in the paving of streets or alleys, such material to be sold to paving contractors, and for such other construction or improvement of the streets, alleys, sewers, parks, levees or other public property of such city as the said board may determine to be necessary, and as are not by existing laws required to be paid for by special assessment, or for any of such purposes. Said bonds shall be signed by the president of the board of city affairs and the city comptroller of such city and be sealed with the seal of said city comptroller. The money arising from the sale of such bonds shall be paid into the city treasury of such city and placed to the credit of a fund to be denominated the general street and improvement fund, to be expended for the purposes designated in this act.

SECTION 2. Loans, not in excess of fifty thousand dollars (\$50,000), may be immediately made by said board of city affairs in anticipation of the sale of such bonds, and contracts may be at once made by said board for any of the purposes herein specified.

SECTION 3. Said board shall have power to execute any of the work herein specified without letting contracts for the same or advertising for bids for labor or material under existing laws.

**SECTION 4.** The said bonds shall be denominated "general street and improvement bonds," shall be sold according to law and for not less than par. And for the purpose of paying for the same with interest, the city council of any such city is hereby authorized and required to levy an annual tax, not in excess of five-tenths ( $\frac{5}{10}$ ) of one mill on the dollar on the general duplicate of such city, in addition to the other taxes heretofore authorized to be levied or hereafter to be levied, for the redemption of said bonds and the payment of the interest thereon, until said bonds and the interest thereon are redeemed and paid as the same may become due.

**SECTION 5.** This act shall take effect and be in force from and after its passage:

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed January 31, 1894.

36L

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[House Bill No. 242.]

## AN ACT

To authorize cities of the first grade of the first class to issue bonds for water-works purposes.

[CINCINNATI.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the board of administration of any city of the first grade of the first class, be and the same is hereby authorized to borrow, in behalf thereof, any sum not exceeding one hundred thousand (\$100,000) dollars, to pay for the extension and renewal of water-pipes, for the betterment of the water-works service of such cities. Said money shall be borrowed and paid into a fund to be designated as "water-works extension fund," in such amounts, from time to time, as the board of administration may determine, and shall be expended by said board for such purposes according to law.

**SECTION 2.** For the payment of said loans, the board of administration shall issue the bonds of said city, signed by the president of said board, and countersigned by the auditor of said city, in sums not exceeding one hundred thousand (\$100,000) dollars in the aggregate, bearing interest at not more than four (4) per cent. per annum, payable in not less than ten, and not more than twenty years, at the option of said board of administration; said bonds to be of such denomination as said board may direct, and shall be sold at not less than par, and in the manner prescribed by law. Said bonds and the interest upon them shall be redeemed and paid from the revenues of the water-works department of such city.

SECTION 3. This act shall take effect and be in force from and after its passage.

• LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 1, 1894.

37L

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[House Bill No. 243.]

## AN ACT

Authorizing and requiring the transfer of certain funds in cities of the first grade of the first class, and providing for the employment of labor upon public works in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the city auditor be and he is hereby authorized and required, on receipt of a request in writing from the mayor of such city, to transfer from the contingent account of the general fund of such city, to an account to be designated as "account for the relief of the unemployed," such portion of the contingent account of the general fund for such semi-annual period as may be unexpended at the time such request is made, not to exceed the sum of \$50,000; and the city auditor shall, upon like request, transfer from the general fund of the city to such "account for the relief of the unemployed" an additional sum not to exceed \$50,000. Any amount of money so transferred from the general fund shall be deducted from the allowance for the contingent account of the general fund provided for in section 2690 $\frac{1}{2}$  of the Revised Statutes of Ohio, for the ensuing semi-annual period, and if all of the sum of \$50,000 is so transferred from the general fund, then during such ensuing semi-annual period there shall be nothing set apart for the contingent account of the general fund; provided, however, that the city auditor be, and he is hereby authorized and required, upon receipt of a request in writing from the mayor of such city, to retransfer from the general fund "account for the relief of the unemployed" to the contingent account of the general fund of such city, any unexpended portion of such fund that may, in the opinion of such mayor, be unnecessary for the purpose for which it was appropriated. The mayor may, upon request of any municipal board having charge of parks, streets, sewers, water-works, or other public works in such city, employ persons for the cleaning and repair of such sewers or streets, the extension of water-mains, the improvement of parks, or as laborers on other public works connected with any of the city departments, and pay for the same out of such "fund for the relief of the unemployed." The mayor shall have sole control over the employment and discharge of such laborers. The respective boards charged by statute with the control and supervision of such streets, parks, sewers, water-works and other public works, shall direct what work may be done upon them for such purposes, and shall supervise the manner of doing the work, and shall determine the compensation to be paid for work performed. Pay-

rolls for the labor herein authorized to be employed shall be approved by the mayor, and shall state the dates of employment, and place of residence of each person employed. Provided, however, that the amount of money that may be transferred as above provided from the contingent account of the general fund, and from the general fund to the "account for the relief of the unemployed" by virtue of this act, shall not in the aggregate for all years exceed the sum of one hundred thousand dollars (\$100,000).

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 1, 1894.

38L

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[Senate Bill No. 64.]

### AN ACT

To authorize the council of the village of Minerva, in Stark and Carroll counties, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Minerva, in Stark and Carroll counties, be and hereby is authorized to transfer the sum of ninety-six dollars and seventy-nine cents from the prison fund to the street lighting and improving fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 5, 1894.

39L

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[Senate Bill No. 71.]

### AN ACT

To authorize boards of education to convey lands in certain cases.

[ BOARDS IN HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county containing a city of the first grade of the first class, any board of education owning or holding land which is no longer necessary for school purposes and which adjoins any land belonging to the municipality within which such board owns or controls such adjoining land, may convey the same to such municipality, to be held and used only for park or town hall purposes and subject to such easements as may be reserved for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 5, 1894.  
 40L

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[Senate Bill No. 78.]

### AN ACT

To change the name of Bessie Umbach to Bessie Giese.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Bessie Umbach, of 97 Molitor street, Cincinnati, Ohio, be changed to that of Bessie Giese.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 5, 1894.  
 41L

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[Senate Bill No. 92.]

### AN ACT

To authorize certain villages to issue bonds for street and sewerage improvements, and to repeal an act passed April 20, 1893 (vol. 90, local Ohio laws, pp. 5 and 6).

[MANCHESTER.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which, at the last federal census had, or which at any future federal census may have, a population of not less than 1,965 nor more than 1,970 inhabitants, be and the same is hereby authorized and empowered to issue and sell the bonds of such village in any sum not exceeding twenty-five thousand dollars (\$25,000), in denominations not exceeding one thousand dollars (\$1,000) and not less than one hundred dollars (\$100) each, bearing interest not exceeding six per cent. per annum, payable annually, and payable at any time not more than twenty-five years from the date of their issue, as such council may determine. Such bonds shall not be sold for less than their par value, and in all respects not herein provided for, their issuance and sale shall be in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

SECTION 2. The proceeds arising from the sale of such bonds, or any portion of them, shall be expended for the purpose of improving the streets and sewerage in any such village.

SECTION 3. To pay the principal and interest on such bonds as the same shall become due, such council shall, annually, levy upon all the taxable property of such village a tax sufficient in rate and amount to pay the interest and to provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied for any and all other purposes. Such taxes shall be levied and collected as other taxes of such villages.

SECTION 4. The money arising from the sale of such bonds shall be expended under the direction of the village council, and no expenditure shall be made without the concurrence of a majority thereof.

SECTION 5. An act to authorize certain incorporated villages to issue bonds for street and sewerage improvements, passed April 20, 1893 (vol. 90, local Ohio laws, pp. 5 and 6), is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 5, 1894.  
42L

[House Bill No. 40.]

#### AN ACT

To change the name of Benjamin Durshlag.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Benjamin Durshlag, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Benjamin Waldman.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.  
43L

[House Bill No. 44.]

#### AN ACT

To change the names of Jennie Brown and Nellie Brown.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the names of Jennie Brown and Nellie Brown, residents of Medina county, Ohio, be and the same are hereby changed to Jennie Crocker and Nellie Crocker, respectively.



SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the persons herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

44L

[House Bill No. 89.]

### AN ACT

To change the name of Simon Kronester.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Simon Kronester, of Butler county, be and the same is hereby changed to Simon Bender. Said change shall in no way affect the rights, privileges and liabilities of the person herein named, and that said Simon Bender is hereby required to cause this act to be published in some daily newspaper published and of general circulation in the county in which he now resides.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

45L

[House Bill No. 120.]

### AN ACT

To authorize the trustees of Neville Baptist church to sell a vacant lot belonging to said church.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Neville Baptist church, of Neville, Clermont county, be and the same are hereby authorized to sell a vacant lot belonging to said church.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

46L

[House Bill No. 132.]

## AN ACT

To relieve the bondsmen of Arthur Kling, late treasurer of the incorporated village of Paulding, Paulding county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Paulding, Paulding county, Ohio, is hereby authorized to fully release and discharge John C. Coupland, James Richards, J. W. Wortman and J. B. Brodnix from any and all liability as sureties on the official bond of Arthur Kling as late corporation treasurer of the said village of Paulding, without their paying any part of the amount due from such treasurer to said village; but such release and discharge shall in no way release or discharge the said treasurer or his estate; provided, however, that before the power to release shall be exercised, the said council shall submit the question to the qualified electors of said village at a special election to be held from one to five o'clock on a day to be fixed, of which ten days' notice shall be given by posting up written or printed notices in five public places in the said village, and those favoring such release shall have written or printed on their ticket the words, "Release of treasurer's sureties—Yes;" and those opposed "Release of treasurer's sureties—No;" and if a majority of those voting upon said question vote in favor of such release, then said council shall have the right to exercise the power herein granted.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

47L

[House Bill No. 144.]

## AN ACT

For the relief of W. W. Crooks, treasurer of the Ada union school district, in the village of Ada, Hardin county, Ohio, and the sureties on his official bond.

WHEREAS, On and prior to the 18th day of July, A. D. 1893; W. W. Crooks was, and still is treasurer of the Ada union school district, in the village of Ada, Hardin county, Ohio; and

WHEREAS, As such treasurer he, with the knowledge and consent of the board of education of said district, then had on deposit in the Citizens' bank of Ada, in the village aforesaid, six thousand and forty dollars of the funds in his hands as such treasurer; and

WHEREAS, Without fault or negligence on the part of said W. W. Crooks, said bank became insolvent and did, on the said 18th day of July, A. D. 1893, make a general assignment for the benefit of its creditors; and

WHEREAS, The trustee of said bank certifies that in his opinion the assets of said bank will, upon final settlement, pay 75 to 80 per cent. of its liabilities; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said W. W. Crooks and the sureties on his official bond as treasurer as aforesaid, be and are wholly relieved and released from the payment to said Ada union school district, or to the officers thereof, of whatever part of said six thousand and forty dollars shall remain due said W. W. Crooks as treasurer as aforesaid, from said Citizens' bank of Ada, upon the final settlement of the affairs of said bank, and they and each of them shall be relieved and released from all liability for said sum. And the trustee of said bank is hereby authorized and directed to pay to the treasurer of said district all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 6, 1894.

48L

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[House Bill No. 181.]

### AN ACT

To authorize the issue of bonds in certain counties for the completion and furnishing of buildings at the county infirmary, supplementary to an act entitled "An act to authorize the issue of bonds in certain counties for the erection and repair of buildings at the county infirmary," passed April 27, 1893 (90 O. L. p. 380).

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county containing a city of the second grade of the second class, the county commissioners are hereby authorized to issue the bonds of said county in any sum not to exceed six thousand dollars (\$6,000), the money derived therefrom to be applied to the completion and furnishing of buildings at the county infirmary, located in said county, erected by authority of an act entitled "An act to authorize the issue of bonds in certain counties for the erection and repair of buildings at the county infirmary," passed April 27, 1893 (90 O. L., p. 380). Said bonds shall be signed by the county commissioners and countersigned by the county auditor, who shall affix his seal hereto. Said bonds to bear a rate of interest not to exceed six (6) per cent. per annum; interest and principal payable at the county treasurer's office of said county; interest payable semi-annually and evidenced by interest coupons; said bonds to be payable at such time or times not exceeding ten years from the respective dates thereof, and to be in such denominations, as the commissioners may determine before the issue of said bonds. The issue, the form, the record, and the redemption of said bonds to be in conformity to the laws governing the issue of county bonds; said bonds to be sold under all the conditions and requirements of law.

SECTION 2. For the purpose of creating a sinking fund for the gradual extinction of the bonds authorized and required, annually, until the payment of the bonds be fully provided for, to levy and collect in addition to the other taxes of the county a tax sufficient to pay said bonds and interest, upon the taxable property in the county, which said

taxes shall be paid into the treasury, and applied by order of the commissioners to the extinguishment of said bonds and to no other purpose whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

49L

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[House Bill No. 200.]

### AN ACT

To change the name of Francis A. Sinner, James V. Sinner and Nickolis Sinner to Seuner.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the names of Francis A. Sinner and James V. Sinner, of Columbiana county, and Nickolis Sinner, a resident of Cuyahoga county, are hereby changed from Sinner to Senner.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the persons herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

50L

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[House Bill No. 228.]

### AN ACT

To change the name of Oberlin Mathias Carter.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Oberlin Mathias Carter, a resident of Gallia county, Ohio, who is now in charge of the United States corps of engineers at Savannah, in the state of Georgia, be and the same is hereby changed to Oberlin Montgomery Carter.

SECTION 2. That said change shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.

51L

[House Bill No. 239.]

## AN ACT

To change the name of August Loeffel to August Bomonti.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of August Loeffel, a resident of Cuyahoga county, be and the same is hereby changed to August Bomonti.

SECTION 2. That said change shall in no way affect any existing right, liability or obligation of said person, and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 6, 1894.

52L

[Senate Bill No. 37.]

## AN ACT

To authorize the board of administration in cities of the first grade of the first class to construct new bridges, or to replace old ones, within the corporate limits thereof.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the board of administration of any such city, in addition to the powers already possessed by it, shall have the power and authority to construct, within the limits of such corporation, new bridges, or to replace old bridges by new structures, and for that purpose such board of administration is hereby authorized and empowered to make plans and estimates and enter into contracts for the construction of any such new bridges, or for replacing such old bridges, before the fund hereinafter provided for is in the treasury to meet such contract or contracts, the intention hereof being that sections 2699 and 2702 of the Revised Statutes shall not apply to any contracts made for the construction of bridges under this act: provided, however, that such board of administration, in making such improvements as are herein provided for, shall be governed by the provisions of section 2303 of the Revised Statutes, except that the said board of administration shall have and exercise all the powers and perform all the duties of the council or the board of legislation in the prosecution of such work.

SECTION 2. Such board of administration shall have the power to purchase or appropriate, condemn and enter upon, for the purpose of constructing such bridge or bridges and any approaches thereto, any real estate, easement, franchise, right or other property within the corporate limits of any such city, which such board may deem necessary for such uses and purposes; and when such board shall determine upon any such appropriation, a resolution to that effect shall be passed by such board of administration and entered upon its minutes, declaring the intention to appropriate such property, and the necessity therefor, with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporation counsel of such city, whose duty it shall then be to apply in writing, in the name of such city, to the

court of common pleas of the county, or judge thereof, in vacation, or to the probate court of the county, for the impaneling of a jury to assess the compensation to be allowed the owners of the property appropriated, in the manner provided for in chapter 3, title 12, division 7, of the Revised Statutes, for appropriating private property to the use of municipal corporations, and all proceedings hereunder instituted, except as herein otherwise provided, shall be governed by the provisions of said chapter 3, title 12, division 7; provided, that if such proceedings are commenced in the probate court of said county, neither party shall have the right to appeal, but either party may institute proceedings in error, as provided by law. And the amount of purchase price of any property purchased, or compensation paid to any owner or owners, together with the costs and expense of any such proceedings, shall be paid out of the fund hereinafter provided for.

**SECTION 3.** In order to provide a fund for the construction of any such bridge or bridges, under the provisions hereof, such board of administration shall be authorized to issue the bonds of such city to an amount not to exceed in the aggregate fifty thousand dollars, in the name of such city and under the corporate seal thereof, and for the purpose of such contemplated improvements. Such bonds shall be payable in ten years from the date of their issue, and shall bear interest at a rate not exceeding four per cent. per annum. Said bonds shall be signed by the president of such board and attested by the city auditor of such city, and shall be secured by a pledge of the faith of the city.

**SECTION 4.** To provide for the redemption of said bonds and the payment of the interest thereon, such boards of administration shall annually set aside as a sinking fund a sum equal to ten per cent. of the amount of said bonds issued and unredeemed, and in addition thereto an amount equal to the interest on such bonds issued and unredeemed, from the amount paid into the bridge fund of the city treasury of such cities, under and by virtue of section 2824 of the Revised Statutes, as amended April 14, 1892; provided, however, that no additional levy shall be authorized for such purpose, but said bonds and the interest thereon shall be redeemed from the fund arising from the levy now allowed by law; but it shall be the duty of such boards of administration to turn over to the trustees of the sinking fund of such city, annually, the amount above provided to be set aside as a sinking fund, together with the interest on such bonds; and it shall be the duty of said trustees of the sinking fund to receive said sum and said interest and to pay therefrom the interest coupons on such bonds as they become due, and to redeem such bonds with the sinking fund so turned over to them by such boards of administration.

**SECTION 5.** Such boards of administration shall receive bids for said bonds after advertising the same for sale once per week for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in such city, and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of such bonds shall be placed in a fund called the "additional bridge fund." A careful account of the condition of said fund shall be separately kept by the auditor of such city; and if all of the said fund is not used for the purpose of constructing new bridges, as herein provided, the balance shall be paid back into the general bridge fund of the city.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 6, 1894.  
53L

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[House Bill No. 74.]

AN ACT

To authorize the village of Corning, Perry county, Ohio, to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Corning, in Perry county, Ohio, be and said council is hereby authorized and empowered to issue the bonds of said village in an amount not to exceed five thousand (\$5,000) dollars, in denominations of not less than one hundred nor more than five hundred dollars, bearing interest at a rate of not more than six per centum per annum, from date of issue, payable annually, for the purpose of liquidating existing indebtedness, incurred in building water-works for said village and completing and equipping the same.

SECTION 2. Said bonds shall be signed by the mayor and clerk of said village, and shall not be sold for less than their par value, payable at such time within ten years from the date thereof and in such amounts as the council may determine; and for the purpose of paying said bonds and the interest thereon the said council is hereby authorized to levy a tax upon all the taxable property of said village in the same manner as taxes for general purposes are now levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 7, 1894.  
54L

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[Senate Bill No. 67.]

AN ACT

To authorize the council of cities of the second class, third grade *a*, to issue bonds for street improvements.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of said city, two-thirds of the whole number of members of council elected thereto

concurring, be and it is hereby authorized and empowered to issue bonds of said city, from time to time, for the purpose of paying such part of the cost and expense of paving, or otherwise improving its streets and avenues, as to the council may seem equitable and just, not exceeding in the aggregate ten thousand dollars, running for such length of time, not exceeding twenty years, and bearing such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as such council may determine, which bonds shall be designated "street improvement bonds" and shall be issued, advertised and sold in the manner provided by law, and the proceeds of the sales thereof shall be applied exclusively to the purpose for which they are issued.

**SECTION 2.** For the purpose of paying the principal and interest of any bonds which may be issued under the authority of this act, as they mature, respectively, the council of such city is hereby authorized and empowered to levy annually, upon all the taxable property within such city, not to exceed one-half of one mill in any one year, upon each dollar of the valuation thereof.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. MCCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

55L

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[Senate Bill No. 70.]

## AN ACT

To authorize cities of the first class, second grade, to establish and maintain city farm schools and to provide for the management of such institutions.

[CLEVELAND.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the first class, second grade, shall have the power to establish and maintain a city farm school, and for such purpose may acquire, hold, possess and use lands outside of the limits of the corporation as well as within said limits, and may erect such buildings or structures, or may repair or enlarge any buildings or structures erected as the same may be deemed necessary for the establishment and proper maintenance of such institution.

**SECTION 2.** The management of such institution, the control and care of the inmates thereof, the erection, enlargement and repair of any of its buildings or structures, providing the same with necessary machinery, furniture, tools or other equipment and the improvement and cultivation of its grounds shall be vested in the director of charities and correction of such city.

**SECTION 3.** Such director shall cause to be made a record of all his proceedings in reference to such institution, and shall make a written report thereof to the city council at such times and in such manner as such city council may provide by ordinance; he shall, with the approval



of the city council, prescribe all necessary rules and regulations for the government of such institution and prescribe the duties of its inmates, officers and employes; he shall appoint such officers, teachers and employes as shall be provided for by ordinance for such school, at such compensation as may be authorized by ordinance; he shall have power to sell the products of manufacture and of the farm, and such proceeds shall be used for the purposes of the institution; and he shall have power to do all other things necessary for the most advantageous administration of the affairs of such institution not contrary to law. He shall receive into such institution pupils duly consigned to his care therein as hereinafter provided, and he shall have power to discharge any officer, teacher or employe, in accordance with the provisions and limitations of section 24 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16 1891, governing discharges from the police and fire forces of such cities. (O. L., vol. 88, pp. 105-121.) The power of such director to expend moneys, to incur indebtedness, or to make contracts on account of such institution, shall be in all respects in accordance with the provisions and limitations of the said act.

**SECTION 4.** The police judge of a municipal corporation or the probate judge of a county shall have full authority to commit male infants, not over sixteen nor under five years of age, to said institution in the following manner:

*First.* Upon complaint and due proof, before any such official, by the parent or guardian of such an infant that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent or guardian and made it manifestly requisite that, from regard to the welfare of such infant and for the protection of society, he should be placed under the guardianship of such institution.

*Second.* Upon complaint and due proof thereof, before any such official, that such an infant is a proper subject for the guardianship of such an institution in consequence of vagrancy or of incorrigible or vicious conduct, and that from the moral depravity of the parent or guardian of such infant, such parent or guardian is incapable of exercising or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

*Third.* Upon complaint and due proof thereof that such infant is without a proper and suitable home or has inadequate means of obtaining an honest living or who is in danger of being brought up to lead an idle and immoral life, or who is abandoned by his parents, or on complaint of the mother of such infant that his father is dead or has abandoned him or does not provide for his support or is an habitual drunkard and that she is unable properly to support him.

*Fourth.* Every officer authorized to commit infants to the guardianship of such institution shall keep a record of his proceedings, in the manner directed in chapter six, division five and title twelve of the Revised Statutes of Ohio, and shall furnish a transcript thereof with the mittimus to the officer in charge of such institution. The said mittimus shall state that the infant therein named has been adjudged a proper subject to be placed under the guardianship of said school, and the officer receiving the same shall forthwith execute it as hereinafter provided; and all officers so committing, excepting those receiving a stated salary, shall be entitled to fees as in criminal cases, payable out of the county treasury on order of the county auditor.

*Fifth.* The transcript of such proceedings, and the mittimus shall be signed by such committing officer, and together with the infant so committed, be delivered to the custody of any sheriff or police officer; and such officer shall forthwith transport such infant to the institution to which it may be committed, and deliver the same, together with the said transcript and mittimus, to the officer in charge of the same, and shall take his receipt therefor, and upon production of such receipt to the officer making such commitment, he shall indorse thereon the costs of such officer in so transporting such infant, at the same rate as allowed in similar cases; and on presentation of such receipt so indorsed to the auditor of the county from which such infant shall be sent, such auditor shall at once draw his warrant upon the county treasurer of said county for the amount therein named, and such receipt shall be his authority for drawing the same; and on presentation of such warrant to said treasurer, he shall forthwith pay the same from any available funds in his possession belonging to said county.

*Sixth.* For the care and maintenance of all infants, other than those committed by the police judge of the municipal corporation to which such an institution belongs, for offense against the ordinance of such corporation, such institution shall receive compensation from the county whence the commitment is made, which compensation shall be fixed by the mayor and the director of charities and correction of the municipal corporation to which said institution belongs; and, upon the presentation of a certificate of the number of infants, and the amount due for the care and maintenance of the same, signed by the officer in charge of such institution, to the county auditor of the county from which such infants have been committed, he shall at once draw his warrant for the amount therein stated, to the order of such officer, and such certificate shall be his authority for so doing; and upon presentation of such warrant to the county treasurer of such county, such treasurer shall forthwith pay the same from any available funds in his possession belonging to said county.

*Seventh.* All such infants, in whatever manner committed to such institution, other than those from the city to which such institution belongs, may be received into or rejected from such institution, at the discretion of the mayor and director of charities and correction of such a municipal corporation.

*Eighth.* The persons herein authorized to make commitments to such institution, may commit to the guardianship of such institution any such male infant, upon the request of the lawful parent or guardian thereof, and infants so received shall be subject to all the provisions of this act; and the mayor of such municipal corporation may, as often as he deems proper, fix, demand and receive in behalf of such institution, compensation from the parent or guardian of infants so committed to the care of such institution, for the care and maintenance of the same; and if such demand for such compensation shall not be promptly complied with, the director of charities and correction of such municipal corporation may discharge such infant from such institution after giving said parent or guardian reasonable notice of his intent to make such discharge.

SECTION 5. If at any time such an institution shall have as many infants under its charge as can be conveniently accommodated therein, or as many as the funds of such institution are adequate to maintain, the director of charities and correction of such a municipal corporation shall

give notice of such fact to the person authorized to make commitments from the county in which such institution is situated. After receipt of such notice, such officers shall not make further commitments to such institution until after receipt of notice from said director of charities and correction that more pupils can be cared for at such institution; which second notice said director shall give as soon as the circumstances of the case shall enable him to do so.

SECTION 6. In all cases where an infant is committed to the instruction and discipline of such an institution, the officer ordering such commitment shall at the same time furnish to the officers of such institution a true statement, in writing, of the age of such infant and the reason for such commitment, and such further information relating to the history of such infant as the regulations of such institution may require.

SECTION 7. In no case shall any other record of commitment be made, unless demanded by the infant or his parents or guardian, than that, in substance, such infant (naming him), who on a day therein named was of the age of — years, having been brought before such officer, and the officer having ascertained by the testimony of the witnesses therein named that such infant was a suitable person to be admitted to the discipline and instruction of such institution, such infant was so admitted and delivered to the charge of such director of charities and correction.

SECTION 8. No commitment of such an infant to such an institution shall be for a shorter period than until such infant shall be reformed or attain the age of majority; but any infant, by whomsoever or for whatever cause committed, may at any time be discharged, upon the recommendation of the superintendent of such institution and the order of the director of charities and correction of such a municipal corporation; or it may, by order of said director, be permitted to leave such institution until directed to return thereto by said director of charities and correction of such a municipal corporation; but said permission shall not in any way be construed to be a discharge from the said institution and from the guardianship of the director of charities and correction of such a municipal corporation.

SECTION 9. The director of charities and correction of such a municipal corporation shall have power to place infants committed to his care, during their minority, at such employment for account of the institution or otherwise, and cause them to be instructed in such branches of useful knowledge, as may be suited to their years and capacities.

SECTION 10. The director of charities and correction of such a municipal corporation shall have power, at discretion, to bind out or indenture the said infants committed to his care, with their consent, as apprentices during their minority, to such persons and at such places, to learn such proper trades and employments as in his judgment will be most conducive to their reformation and amendment, and as will tend to the future benefit and advantage of such infants.

SECTION 11. In case any infant so bound out or indentured prove untrustworthy, the director of charities and correction of such a municipal corporation may, at his discretion, permit such infant to be returned to such institution, to be held in the same manner as before such apprenticeship, and may thereupon order the indentures for such infant to be canceled.

SECTION 12. If, in the opinion of the director of charities and correction of such a municipal corporation, an infant apprenticed by him

has an unsuitable home, or if the person to whom such infant is indentured becomes unfit or incapable properly to raise or take care of such infant, the director may, at his discretion, return such infant to the institution from which it was indentured.

SECTION 13. A fugitive from such an institution, or a fugitive from apprenticeship under indentures executed as above provided, may be arrested and returned to such institution by a sheriff or constable of any county in this state, or police officer of the corporation, or officer of such institution, on the written order of the director of charities and correction of such municipal corporation directed to such officer, and may be delivered to the custody of such officer of such institution as the director of charities and correction of such a municipal corporation may name.

SECTION 14. It shall be a sufficient return to a writ of habeas corpus, directed to any person or officer, inquiring into the cause or detention of an infant committed to such an institution, that the infant named in the writ was, on a day therein named, committed to the guardianship of the director of charities and correction of such a municipal corporation by the person or officer who executed the commitment, naming him, until such infant should arrive at legal age, and that that period has not arrived.

SECTION 15. When a commitment has, in fact, been executed by a person authorized by this chapter to execute it, the existence of the circumstances justifying its execution shall not be otherwise examinable than in an action against the director of charities and correction of such city as provided in chapter six, division five of title twelve of Revised Statutes of 1890.

SECTION 16. If a parent, guardian, master to whom an infant has been apprenticed, a person occupying the position of parent, protector or guardian in fact, or a relative by blood or marriage, not further remote than first cousin to such infant, feels aggrieved by the commitment of an infant to such an institution by a person authorized by this chapter to commit such infant, he may make a written application to the director, at such time as he, by rule, provides for hearing such applications, to have the infant delivered to him; which application shall state the ground of the applicant's claim to the custody of such infant and the reason for claiming such custody.

SECTION 17. Within ten days after hearing such application the director of charities and correction shall decide, and if he be of opinion that the welfare of such infant will be promoted by granting the application, he shall make an order to that effect; otherwise he shall decline the application.

SECTION 18. The applicant may, if the application be declined, upon first giving security for the payment of costs, commence an action against such director in the court of common pleas of the county in which the institution is situated, for the recovery of the infant or his liberation, which action shall be conducted in all respects as actions under the code of civil procedure, except that the case shall have precedence of all others in the time of trial.

SECTION 19. The costs of such action shall be paid by the applicant or out of the county treasury, unless the court certify in the journal entry of the judgment that the refusal of the director of charities and correction to grant the application of the plaintiff was plainly unreasonable, or the original commitment manifestly improper and unnecessary, in which case the costs shall be taxed against the party in fault on notice to him.

SECTION 20. This act shall constitute chapter eight of division five of title twelve of the Revised Statutes of Ohio, and shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.  
56L

[Senate Bill No. 93.]

### AN ACT

To change the name of May Russell to John M. Russell.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of May Russell, of Morgan county, Ohio, be changed to that of John M. Russell.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.  
57L

[House Bill No. 259.]

### AN ACT

To authorize the trustees of Hardy township, in Holmes county, to issue and sell the bonds of said township, for the purpose of paying and satisfying the outstanding indebtedness of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Hardy township, Holmes county, Ohio, when it appears to said trustees to the best interest thereof, shall have power to issue the refunding bonds of said township, for the sole purpose of paying and satisfying all or any portion of its outstanding indebtedness; and the said trustees are hereby authorized to sell, at not less than their par value, at public sale, the negotiable coupon bonds of said township, bearing interest not to exceed six per centum per annum, payable semi-annually; provided, however, that the amount of bonds so issued and sold, shall not exceed the actual amount of outstanding indebtedness to be paid and refunded thereby.

SECTION 2. After the said bonds have been sold the proceeds shall be applied to the payment of the outstanding indebtedness of said township, and for no other purpose whatever. Said trustees are hereby empowered and directed to levy annually a tax, on all the taxable property in said township, sufficient to pay the principal and interest of said bonds, as they severally become due.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 8, 1894.

58L

[House Bill No. 77.]

### AN ACT

**To amend section 1 of an act entitled "An act authorizing and directing the commissioners of Clermont county to improve a road and build approaches to a bridge," passed April 16, 1892 (89 O. L., 664).**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of the above recited act be amended so as to read as follows:

Sec. 1. That the county commissioners of Clermont county are hereby authorized to make the necessary approaches and fills to the bridge over Hall's run, on the road leading from Summerside to a point on the road or pike connecting Milford and Mt. Carmel near Dr. Robinson's residence, and to macadamize so much of said road connecting Mt. Carmel with Milford, as remains unimproved, at a cost not to exceed \$800.

**SECTION 2.** That section 1 of said act passed April 16, 1892, be and the same is hereby repealed.

**SECTION 3.** This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 12, 1894.

59L

[House Bill No. 244.]

### AN ACT

**To supplement an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893, be supplemented by the enactment of an additional section thereto with additional numbering as follows:

Sec. 3. That when in proceeding to make the repairs, improvements and additions provided for in section 1 of the act to which this is supplementary, it has been found, by the said board of police commissioners,

necessary to make extra excavation and build extra foundation with concrete thereunder, and to change the character of the masonry, in addition to and different from that provided for in the plans, drawings and specifications for such work, in order to make proper and suitable foundations for such repairs, additions and improvements, the cost of such extra and additional work may be paid for out of the proceeds of the bonds provided for in the act to which this is supplementary, upon the said board of police commissioners certifying to the auditor of such cities that such extra, additional and changed work was done upon their order, and under contracts duly entered into by them with the contractor.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate*

Passed February 12, 1894.  
60L

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[House Bill No. 265.]

### AN ACT

To authorize the agricultural society of Paulding county to mortgage its real estate to pay present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Paulding county agricultural society, of Paulding county, is hereby authorized to borrow fifteen hundred dollars at a rate not exceeding eight per cent, interest per annum payable semi-annually, falling due at such time as the board of directors of said society may designate and secure the same by mortgage upon its real estate in Paulding county for the purposes of paying present indebtedness of said society and no other purpose whatever. That before any note and mortgage shall be made under this act the board of directors of said society shall authorize the same by resolution. Said note and mortgage shall be signed by the president and countersigned by the secretary of said society and in all other respects executed as like instruments under the laws of this state.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 12, 1894.  
61L

[House Bill No. 108.]

## AN ACT

To amend an act to create a joint sub-school district in Mechanic township, Holmes county, Ohio, and Clark township, Coshocton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "An act to create a joint sub-school district in Mechanic township, Holmes county, Ohio, and Clark township, Coshocton county, Ohio," passed April 18, 1892 ([89] O. L. 675), be amended to read as follows:

Sec. 2. The local director of the joint sub-school district created by the first section of the act of which this is amendatory shall be elected as provided by the laws of Ohio and shall within thirty days after the passage of this act designate and make a matter of record, a site for a school-house in said district, and immediately thereafter said local director, or any citizen having children of school age in said joint subdistrict may apply to the board of county commissioners in the county in which said site has been so selected to proceed to prepare plans and specifications and to contract according to law, levy taxes and in all respects do as provided in other cases by section 3969 of the statutes of Ohio all things in as full and ample a manner to provide school facilities for said district and in the building of said school-house as the boards of education of the said Clark and Mechanic townships might have done had said boards created said joint subdistrict under the provisions of section 3928 of the statutes of Ohio.

SECTION 2. Said section 2 of said act is hereby repealed and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 13, 1894.

62L

[House Bill No. 145.]

## AN ACT

To authorize the county commissioners of Jefferson county, Ohio, to improve a certain highway and provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Jefferson county, Ohio, be and are hereby authorized to construct a free graded macadamized highway at a cost not to exceed four thousand dollars, beginning at the west line of Ninth street on Market street in the city of Steubenville, Ohio; thence westward along the public highway to the watering-trough on said highway. Said improvement to be completed on or before July 1, 1894.

SECTION 2. To provide funds for carrying into effect the provisions of this act, said commissioners may levy on all the taxable property in the townships of Steubenville, Island Creek, Cross Creek, Salem and Wells on the tax duplicate of said county, in addition to other levies now



provided for by law, such amount as may be necessary to make said improvement.

SECTION 3. The commissioners of said county are hereby authorized and empowered to issue their certificates of indebtedness for the amount needed for the construction of said highway. Said certificates of indebtedness shall be paid within two years out of the proceeds of said levy.

SECTION 4. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 13, 1894.

63L

[House Bill No. 184.]

### AN ACT

To authorize the trustees of Richfield township, Summit county, Ohio, to increase the annual tax levy now allowed by law for road purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Richfield township, Summit county, Ohio, be and are hereby authorized to levy a tax on all the taxable property within said township not exceeding ten mills on each one hundred dollars for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, and expended for the purpose of improving the public highways within said township, under and in accordance with the laws regulating the construction and maintenance of such highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 13, 1894.

64L

[House Bill No. 219.]

### AN ACT

Authorizing the commissioners of Pike county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county, Ohio, be and they are hereby authorized to transfer from the Sharonville bridge fund the sum of seventeen hundred and sixty-four dollars and ninety-two cents (\$1,764.92) to the general county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.  
65L

[House Bill No. 220.]

### AN ACT

Authorizing the commissioners of Pike county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county, Ohio, be and they are hereby authorized to transfer from the Waverly and Beaver toll turnpike and bridge fund the sum of one thousand and ninety-four dollars and thirty-four cents (\$1,094.34) to the general turnpike-fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.  
66L

[House Bill No. 262.]

### AN ACT

To change the name of John H. Hearne of Delaware county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of John H. Hearne, a resident of Delaware county, Ohio, is hereby changed to John H. Hamilton.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.  
67L

[House Bill No. 272.]

## AN ACT

To authorize the council of Ansonia, Darke county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Ansonia, Darke county, Ohio, be and they are hereby authorized to transfer five hundred and fifty dollars (\$550) from the corporation fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 13, 1894.

68L

[House Bill No. 274.]

## AN ACT

To authorize the trustees of Swancreek township, Fulton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Swancreek township, Fulton county, Ohio, be and they are hereby authorized to transfer the sum of five hundred dollars (\$500) from the township fund to the bridge fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 13, 1894.

69L

[House Bill No. 281.]

## AN ACT

To authorize the board of city affairs of Dayton, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of city affairs of the city of Dayton, Ohio, be and it is hereby authorized and empowered to transfer twenty thousand dollars (\$20,000) from the street paving fund of said city to the general street and improvement fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

• Passed February 13, 1894.  
70L

[House Bill No. 288.]

### AN ACT

To authorize the trustees of Van Buren township, Putnam county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Van Buren township, Putnam county, Ohio, are hereby empowered to transfer four hundred dollars from the special road improvement fund to the general fund.

SECTION 2. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.  
71L

[House Bill No. 292.]

### AN ACT

To authorize the village of Niles, Trumbull county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Niles, Trumbull county, Ohio, be and are hereby authorized to transfer eight hundred (\$800) dollars from the police fund to the street fund and six (\$600) hundred dollars from the general fund to the street fund.

SECTION 2. This act shall be in force and take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 13, 1894.  
72L

[Senate Bill No. 151.]

## AN ACT

To authorize the city council of the city of Lima, Allen county, Ohio, to transfer certain funds, to wit: Six hundred and twenty-five dollars (\$625) from the sinking fund and six hundred dollars (\$600) from the special street improvement fund permanently to the general fund of the city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Lima, situated in the county of Allen, state of Ohio, be and is hereby authorized to transfer the sum of six hundred and twenty-five dollars (\$625) from the sinking fund permanently to the general fund of said city by resolution.

SECTION 2. That the council of said city of Lima, situated in the county of Allen and state of Ohio, be and is hereby authorized to transfer from the special street improvement fund permanently to the general fund of said city by resolution the sum of six hundred dollars (\$600).

SECTION 3. That this act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 14, 1894.

73L

[House Bill No. 223.]

## AN ACT

To authorize the commissioners of Coshocton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Coshocton county, Ohio, be and they are hereby authorized to transfer nine thousand (\$9,000) dollars from the poor fund of said county to the county fund, four thousand five hundred (\$4,500) dollars of said amount to be taken from the December, and four thousand five hundred (\$4,500) dollars to be taken from the June collection of taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 14, 1894.

74L

[House Bill No. 323.]

## AN ACT

To authorize the board of education of the village of Bedford, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village of Bedford, Cuyahoga

county, Ohio, are hereby authorized and empowered to transfer the sum of \$1,524.71 from the bond fund of said village as follows: \$1,000 to the contingent fund and \$524.71 to the tuition fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 14, 1894.  
75L

[House Bill No. 331.]

### AN ACT

To authorize the township trustees of Harrison township, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Harrison township, Henry county, Ohio, be and they are hereby authorized to transfer the sum of one hundred and fifty dollars from the road fund to the general township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 14, 1894.  
76L

[Senate Bill No. 139.]

### AN ACT

To authorize the village of Collinwood, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Collinwood, Cuyahoga county, Ohio, be and it is hereby authorized to transfer from the police fund to the fire and water fund, five hundred dollars, and from said police fund to the street lighting fund, one thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.  
77L

## AN ACT

To authorize the board of county commissioners of Mercer county to purchase and improve lands on which to hold county fairs and to issue bonds of said county and levy taxes to pay for the same, and to repeal an act entitled "To authorize the commissioners of Mercer county, Ohio, to make an appropriation to the agricultural society," passed February 16, 1893 (L. O. L., vol. 90, p. 357), and as amended April 20, 1893 (L. O. L., vol. 90, p. 358).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Mercer county, Ohio, be and hereby are authorized to provide for the purchase of, and to purchase, for and on behalf of said county, lands in the vicinity of the county seat of said county and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and advancement of agriculture in said county. Said lands shall be of such amount and dimensions and shall be so improved by said board as in the judgment of said board will be reasonably necessary for such purpose. The title to any and all such lands shall be conveyed to and vest in the board of county commissioners of Mercer county, Ohio.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to pay for and improve said lands for the purpose aforesaid, are hereby authorized to issue and sell the coupon bonds of said county, in any amount not exceeding fifteen thousand dollars (\$15,000), payable at such place and such time or times, not exceeding in all the period of ten years from the date of issue and bearing such rate of interest not exceeding six per cent. per annum, payable semi-annually, as said board of commissioners may determine, and said bonds shall not be sold for less than their par value and shall be signed by said county commissioners and attested by the auditor of said county, and shall have the seal of said county affixed thereto. The money arising from the sale of said bonds shall be paid into the treasury of said county and shall be paid out and expended for the purposes herein expressed under the direction of said board of county commissioners on the warrants of the auditor of said county.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy on all taxable property of said county such tax, in addition to other taxes, as will be necessary to provide a fund for the prompt payment of said bonds and the interest thereon as the same shall become due and payable.

SECTION 4. Said board of county commissioners are hereby authorized to permit the use and occupation of such grounds and improvements by the county agricultural society of said county, organized under and in pursuance of the laws of Ohio, in holding and conducting its county fairs thereon, under such arrangements and on such terms and conditions as in the judgment of said board will best improve and promote the agricultural interests of said county; such arrangements, terms and conditions, however, to be agreed upon by and between said board of county commissioners and said county agricultural society.

SECTION 5. That said act entitled "To authorize the commissioners of Mercer county, Ohio, to make an appropriation to the agricultural society," passed February 16, 1893 (L. O. L., vol. 90, p. 357), and as amended April 20, 1893 (L. O. L., vol. 90, p. 358), is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.  
78L

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[House Bill No. 348.]

### AN ACT

To authorize the village of North Amherst, Lorain county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of North Amherst, Lorain county, Ohio, be and the same is hereby authorized and empowered to transfer five hundred dollars from the general revenue funds to the street funds of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.  
79L

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[House Bill No. 349.]

### AN ACT

To change the name of Eliza H. H. Reed Brinsmade.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Eliza H. H. Reed Brinsmade, a resident of Oberlin, Lorain county, Ohio, be and the same is hereby changed to Eliza H. H. Reed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 19, 1894.  
80L



[House Bill No. 125.]

## AN ACT

For the relief of Jacob Holschuh, treasurer of Windsor township, Lawrence county, Ohio, and the sureties on his official bond.

WHEREAS, On the 8th day of May, A. D. 1893, said Jacob Holschuh was treasurer of the township of Windsor, Lawrence county, in the state of Ohio; and

WHEREAS, Such treasurer had the sum of five hundred and ten dollars and sixty-nine cents, said sum being kept in a safe in his office, and on the date above mentioned the safe belonging to the said Jacob Holschuh was blown open and the sum of five hundred and ten dollars and sixty-nine cents belonging to said Windsor township was stolen; and

WHEREAS, Without fault or negligence on his part said funds have been lost; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the said township of Windsor, county of Lawrence and state of Ohio, shall at the regular election of the township officers on the first Monday of April, A. D. 1894, due notice of which shall be given by said township trustees, submit to the qualified electors of said township, on a separate ballot and provided by law, the proposition to relieve and release Jacob Holschuh and the sureties on his official bond as such treasurer of said township.

SECTION 2. Said ballots shall have written or printed thereon "For the relief of Jacob Holschuh—Yes;" "For the relief of Jacob Holschuh—No." There shall be provided a separate ballot-box and tally-sheet for such ballots, and if said proposition carries by a two-third majority of all votes cast upon the same then the said Jacob Holschuh and the said sureties on his official bond as treasurer aforesaid shall be then and thereby released from the payment to said township or to the officers thereof, otherwise the said Jacob Holschuh shall, together with his sureties, be held for the full payment of said sum.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed February 21, 1894.

81L

[House Bill No. 209.]

## AN ACT

To amend sections 11, 12, 16 and 19 of an act entitled "An act to provide for the improvement of streets and avenues in certain cities of the second class," passed April 24, 1890.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 11, 12, 16 and 19 of an act entitled "An act to provide for the improvement of streets and avenues in certain cities of

the second class," passed April 24, 1890, be and the same are hereby amended so as to read as follows:

Sec. 11. Except as provided in section 12 of this act, the cost of any such improvement shall be assessed equally by the bounding and abutting foot upon the property bounding and abutting upon said improvement, whether such property bounds or abuts endwise or sidewise upon said improvement, except that at the intersections of streets, avenues and highways the cost of such improvement shall be paid by the city at large, as hereinafter provided.

Sec. 12. On all streets, avenues and highways upon and along which any street railroad has been constructed and is being operated, or may hereafter be constructed and operated, the cost of any such improvement shall be assessed and paid as follows, to wit: The cost of that part of such improvement lying within the tracks of such railroad and for the space of not less than eighteen inches on either side of the same, and where there are double tracks also that part of such improvement lying between such double tracks, including the intersections of streets, avenues and highways, shall be assessed against and paid by such street railroad company or companies. The cost of the residue of such improvement upon any such streets, avenues or highways shall be assessed equally by the bounding and abutting foot upon the property bounding and abutting upon said improvement, whether said property bounds or abuts endwise or sidewise upon said improvement, as provided in section 11 of this act, except at the intersections of such streets, avenues and highways the expense of such improvement lying without such railroad tracks, and for the space of eighteen inches on either side thereof, shall be paid by the city at large, as provided in section 11 of this act.

Sec. 16. When the improvement herein provided for shall have been completed, it shall be the duty of said board of city commissioners, or of their successors in office, to ascertain the entire amount of the bonds sold by them and the interest thereon to the first day of October preceding, which shall be taken to be the cost of said improvement. Said cost shall then be assessed equally by the bounding and abutting foot upon the property bounding and abutting upon said improvement, whether said property bounds or abuts endwise or sidewise upon said improvement. And they shall also designate therein the name of any street railroad lying upon or along the line of such improvement and the amount, if any, assessed against the same.

Sec. 19. Said assessments, with the interest accruing thereon, shall be a lien upon the property bounding and abutting upon said improvement, whether said property bounds or abuts endwise or sidewise upon said improvement, and also upon the property of any such street railroad, from the commencement of the work, and shall remain a lien until fully paid. They shall have precedence over all other liens, and shall not be divested by any judicial sale.

SECTION 2. Said original sections 11, 12, 16 and 19 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 21, 1894.

[House Bill No. 298.]

## AN ACT

To authorize the board of education of the Edgerton school district, Williams county, Ohio, to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Edgerton school district, Williams county, Ohio, be and they are hereby authorized to levy, annually, for a period of not more than five (5) years, in addition to that already allowed by law, a tax of not more than two (2) mills on each dollar of the assessed value of the taxable property of said Edgerton school district for the support and maintenance of the public schools thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 21, 1894.  
83L

[House Bill No. 340.]

## AN ACT

To authorize the county commissioners of Williams county, Ohio, to make an additional levy during the years 1894 and 1895 to meet and provide for an existing deficiency in the county fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Williams county, Ohio, in order to meet and provide for an existing deficiency in the county fund of said county, in addition to all other taxes authorized to be levied and assessed in said county, be and the said commissioners are hereby authorized and empowered to levy, annually, during and in each of the years 1894 and 1895, on each dollar of the valuation of taxable property within said county, one mill, and place the same on the grand tax duplicate of said county, to be collected in the same manner as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed February 21, 1894.  
84L

[Senate Bill No. 98.]

## AN ACT

To amend an act passed April 18, 1892, entitled "An act to authorize trustees of the gas-works of municipal corporations not having sinking fund trustees, and owning gas-works, to create a sinking fund of the surplus revenues of such works for the purpose of meeting and paying off when due, or buying in before due, any gas bonds of such municipal corporation, and to invest all moneys not required for other purposes in other bonds," as amended February 15, 1893.

[FINDLAY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the surplus of all revenues received by the trustees of the gas-works of any municipal corporation which does not have a board of sinking fund trustees, and owning gas-works, above the revenue required for the proper conduct and management of the gas-works therein and the payment of the bonds issued for gas-works purposes, and the interest on the same, may at any time be set aside and thereafter considered a separate fund, to be known as the "gas-works sinking fund;" and said fund shall be held for the purpose of meeting and paying off when due, or buying in before due, any bonds issued by such municipal corporation for gas-works purposes, and said trustees shall have the control of said fund and shall invest all moneys placed in said fund not required to meet maturing gas bonds of such municipal corporation, in bonds of the United States, the state of Ohio, the city of Findlay, or any other city or village in the state of Ohio, or of any board of education or county in said state, and the said trustees shall give preference to the bonds of the city or village of its respective class and grade when they can be purchased at a price equal to or less than the bonds of the United States, or the state of Ohio, taking into consideration the rate of interest on each, and it shall not be necessary to advertise the bonds of any such municipal corporation for sale when the same can be sold to the trustees of the gas-works thereof at not less than par and accrued interest; and all interest received on said bonds shall be invested in like manner, and at no time shall there be over ten thousand dollars kept upon deposit if investment can be made; but the sinking fund and bond purchases authorized hereby shall be limited in amount to the bonded indebtedness of such municipal corporation for gas-works purposes, and no bonds shall be purchased which shall not become due and payable before such bonded indebtedness falls due.

SECTION 2. That the act entitled "An act to authorize the trustees of the gas-works of municipal corporations not having sinking fund trustees, and owning gas-works, to create a sinking fund of the surplus revenues of such works for the purpose of meeting and paying off when due, or buying in before due, any long time gas bonds of such municipal corporation, and to invest all moneys not required for other purposes in other bonds," passed April 18, 1892, and amended February 15, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed February 27, 1894.

## AN ACT

To authorize and require the commissioners of Adams county, Ohio, to purchase a site and grounds, sufficient for necessary sewerage, to build a jail and residence in the same for the sheriff of said county, and to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Adams county, Ohio, be and they hereby are authorized and required to purchase a site for and construct a jail thereon, including apartments therein to be used by the sheriff or jailer of said county as a residence; also to purchase grounds sufficient for the necessary sewerage for said jail, at the county seat of said county, to wit, at the incorporated village of West Union, Ohio. The plan for said jail shall be determined upon and the contract for the building of the same let according to law, which contract shall require the building aforesaid to be completed as soon as practicable, at a cost for said site and building and grounds necessary for sewerage not to exceed twenty thousand dollars.

SECTION 2. That the said county commissioners shall have no power to make an extra allowance to any contractor for the building of said jail and sheriff's residence, or any part thereof; nor shall any change or alteration be made which shall affect the contract, unless the difference in the cost of said alteration or change be first agreed upon by the said county commissioners and the contractor affected by said change or alteration, and no change or alteration shall be made which will increase the cost of said site, jail building, sheriff's residence and grounds necessary for sewerage over the sum of twenty thousand dollars.

SECTION 3. That the county commissioners of said county, for the purpose of purchasing said site and grounds necessary for sewerage and constructing said jail and sheriff's residence thereon, are hereby authorized to borrow such sum of money as they shall deem necessary, but not to exceed the sum of twenty thousand dollars, at a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, and to issue bonds of said county to secure the payment of the principal and interest thereon. Said bonds shall be paid at such times as the commissioners may prescribe within twenty years from their date, and shall be redeemable at the option of the county commissioners of said county after ten years from the date of their issue. Said bonds may be sold by the county commissioners of said county at private sale, at not less than their par value, to the trustees of the Wilson poor fund, or the same may be advertised and sold according to law upon the refusal of said trustees to take the same. Principal and interest of said bonds shall be paid at the office of the county treasurer of said county.

SECTION 4. That the bonds issued shall be signed by the commissioners of said county of Adams, or any two of them, and countersigned by the county auditor, with or without coupons attached, in sums of not less than five hundred dollars nor more than one thousand dollars each, payable to the order of the purchaser or purchasers of the same, with interest as aforesaid, at such times not exceeding twenty years after their date as the commissioners of said county may prescribe, redeemable at the option of the commissioners of said county after ten years from their date, and said bonds shall specify the object for which they were issued.

SECTION 5. The county commissioners of said county of Adams shall annually, at their June session, levy such amount of taxes as will pay the interest of said indebtedness and the principal as it becomes due.

SECTION 6. That said county commissioners be and they hereby are authorized to remove and dispose of the materials of the old jail and sheriff's residence, or to sell the same at public or private sale as they may deem best.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
86L

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[Senate Bill No. 137.]

### AN ACT

To divide Marlboro township, Stark county, Ohio, into three voting precincts, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Marlboro township, Stark county, state of Ohio, be and hereby is divided into three separate voting precincts. All the territory in said township which lies east of a line commencing on the south line of said township, at the center of the south line of section thirty-four (34) in said township, and running thence north to the center of the south line of section three (3) in said township, and south of a line running from the last named point with the south line of sections three, two and one (3, 2 and 1) in said township to the east line of said township, shall constitute and be known as Marlboro precinct. All territory in said township west of said line and south of a line commencing at the point where the south line of section eighteen in said township intersects the west line of said township, and running thence east with the south line of sections eighteen, seventeen, sixteen and fifteen (18, 17, 16 and 15) in said township to intersect the line herein first described, shall constitute and be known as Bridgeport precinct. All other territory in said township shall constitute and be known as New Baltimore precinct. The places of holding elections in said precincts shall be fixed as now provided by law.

SECTION 2. The act entitled "An act to create an additional voting precinct in Marlboro township, Stark county, Ohio," passed March 27, 1888 (85 Ohio laws, p. 463), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
87L

[House Bill No. 42.]

## AN ACT

To divide the township of Pleasant, in the county of Franklin, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Pleasant, in the county of Franklin, be and the same hereby is divided into two election precincts, the dividing line of said township for said election purposes to be designated as follows: Beginning at the east line of said township, where the same intersects with the Nic-jenny road; thence west on said road to the Possum Run free turnpike; thence along the center of said Possum Run free turnpike to the line between John Price's and James Hays' land; thence west on their said line to the center of Jersey pike; thence along the center of said pike west to the intersection of said Jersey road with the Georgesville and Possum Run road; thence southwest of said Georgesville and Possum Run road to the west line of said township.

SECTION 2. That all that part of said township lying north of said dividing line shall be and is hereby constituted an election precinct, to be known and designated as precinct "A" of said township, and with the place of holding elections at the village of Georgesville. And all that part of said township lying south of said dividing line shall be and is hereby constituted an election precinct, to be known and designated as precinct "B" of said township, with the place of holding elections at the village of Harrisburg.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
88L

[House Bill No. 229.]

## AN ACT

To create an additional voting precinct in Huntington township, Gallia county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby created and established in Huntington township, Gallia county, Ohio, an additional voting precinct, bounded and described as follows, viz.: Beginning at the southwest corner of section 35, at the Raccoon township line, and running thence northward, following the line of said section 35, sections 26, 23 and 14 to the extreme northwest corner of said section 14; thence due east to the northwest corner of section 13; thence due north to the Vinton county line, following section lines of 12 and 1; thence due east along said Vinton county line to the Morgan township line; thence due south along said Morgan township line to the Raccoon township line; thence due west along said Raccoon township line to the place of beginning, the above boundary including sections 1, 12, 13, 14, 23, 24, 25, 26, 35 and 36.

SECTION 2. There shall be elected and qualified for said new voting precinct the same number and kind of election officers as are provided for other similar legally constituted election precincts in the state and county, and the officers therefor shall be appointed and qualified in the same way, and in all other respects it shall be treated and governed as other election precincts.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
89L

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[House Bill No. 297.]

### AN ACT

To authorize the board of education of the city of Zanesville, Ohio, to borrow money and issue bonds for school-house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Zanesville, Ohio, is hereby authorized to borrow money to an amount not exceeding thirty thousand dollars (\$30,000), for the purpose of purchasing grounds for school-house purposes and erecting additional school-houses, and to issue bonds for said sum so borrowed. The levy for the payment of the same not to exceed in any one year the present limitation.

SECTION 2. Said bonds shall be in denominations not less than one hundred dollars (\$100), and shall bear interest not exceeding six per centum per annum, payable semi-annually, and shall be payable after ten years at the option of the board, and due in twenty years from date of issue, and shall not be sold for less than par. Said bonds shall be signed by the president and clerk of said board and shall be duly registered and authenticated by the seal of said board upon resolution in that behalf passed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
90L

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[House Bill No. 407.]

### AN ACT

To change the name of Mabel Florence Berry.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Mabel Florence Berry, a resident of Highland



county, be and the same is hereby changed to Mabel Florence Balentine.

SECTION 2. That this change shall in no way affect the rights, privileges or liabilities of said person.

SECTION 3. This act to take effect and be in force after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
91L

[House Bill No. 410.]

### AN ACT

To authorize the village of Mt. Sterling to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Mt. Sterling, in Madison county, be and the same is hereby authorized to transfer the sum of one hundred and ninety dollars (\$190) from the sinking fund to the fire department fund of said village.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
92L

[House Bill No. 417.]

### AN ACT

To authorize the trustees of Brecksville township, Cuyahoga county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Brecksville township, Cuyahoga county, be and they are hereby authorized to transfer the sum of (\$150) one hundred and fifty dollars from the town hall fund to the general fund of said township, said sum to be used toward the construction and equipment of a fire station.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
93L

[House Bill No. 432.]

## AN ACT

To authorize the village council of the village of New Vienna, Clinton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of New Vienna, Clinton county, Ohio, be and the same is hereby authorized to transfer the sum of six hundred dollars (\$600) from the police fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 27, 1894.  
94L

[House Bill No. 293.]

## AN ACT

To authorize the board of education of the Canton union school district, Stark county, Ohio, to issue and sell the bonds of said district for the purpose of paying off and satisfying the present existing outstanding indebtedness of said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Canton union school district, in Stark county, Ohio, is hereby authorized and empowered to issue the bonds of said district for the purpose of paying off and satisfying all or any portion of the present existing outstanding indebtedness of said district. If it shall appear to the said board of education to be for the best interests of said district, they shall have the power and are hereby authorized to sell at not less than their par value at public or private sale the negotiable bonds of said district, at a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, provided, however, that the amount of bonds issued and sold shall not exceed the sum of thirty-six thousand dollars (\$36,000).

SECTION 2. Said bonds shall be of the denominations of one thousand dollars (\$1,000) each, shall be numbered consecutively, shall contain the recital that they are issued under authority of this act. The bonds shall be designated as refunding school bonds and shall be signed by the president and countersigned by the clerk of the said board of education. Said bonds to be payable at such time or times not exceeding twenty years from the respective dates thereof as said board may determine. After said bonds have been sold the proceeds shall be applied to the payment of the said existing outstanding indebtedness of said district and for no other purpose.

SECTION 3. Said bonds shall have interest coupons attached evidencing the several instalments of interest as they become due, which coupons shall be signed by the clerk of said board of education. Said

board of education is hereby authorized and empowered to levy annually a tax on all taxable property in said Canton union school district sufficient to pay both interest and principal of said bonds as they severally become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed February 28, 1894.  
95L

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[House Bill No. 221.]

### AN ACT

To authorize the commissioners of Pike county, Ohio, to levy a special tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pike county, Ohio, be and are hereby authorized in the years 1894, 1895, 1896 and 1897, to levy a tax on all the taxable property of said county for general county purposes, an amount not exceeding seven-tenths (7-10) of one mill each year, in addition to the amount now authorized to be levied for said purposes, the same to be entered upon the grand duplicate of said county and collected in the same manner as other taxes are collected; provided, that during said years, the levies made by said commissioners shall not in the aggregate exceed the amounts now fixed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 1, 1894.  
96L

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[House Bill No. 226.]

### AN ACT

To amend an act entitled "An act to authorize the board of education of the village school district of Jeffersonville, Fayette county, Ohio, to issue bonds for the purpose of building a school-house and furnishing same," as passed April 19, 1893 (90, O. local laws, 130).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize the board of education of the village school district of Jeffersonville, Fayette county, Ohio, to issue bonds for the purpose of building a school-house and furnishing same," as passed April 19, 1893 (90, O. local laws, 130), be amended so as to read as follows:

Sec. 1. That the board of education of the village school district of Jeffersonville, Fayette county, Ohio, be and are hereby authorized to borrow money and issue bonds therefor not exceeding the sum of eighteen thousand dollars (\$18,000), for the purpose of erecting, building and furnishing a school-house in said village school district; said bonds to be of such denomination as said board of education may deem proper and shall run for a period not exceeding twenty years, and to bear six (6) per cent. interest per annum, payable semi-annually.

Sec. 2. Said board of education shall, annually thereafter, cause the necessary tax, in addition to that authorized by law, to be levied on the taxable property in said village district to pay said bonds as they become due, and the interest thereon.

SECTION 2. Said original act, as passed April 19, 1893, 90, O. local laws, 130), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 1, 1894.  
97L

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[House Bill No. 393.]

### AN ACT

To change the name of Benjamin Basil Jackson to Benjamin Gould Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Benjamin Basil Jackson, of Paulding county is hereby changed to Benjamin Gould Jackson.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 1, 1894.  
98L

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[House Bill No. 397.]

### AN ACT

To change the names of certain persons named herein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the respective names of A. G. Gordon and C. S. Gordon, his wife, residents of Richland county, Ohio, be and the same are hereby changed so as to read as follows, respectively, to wit: A. G. Winstanley and C. S. Winstanley.

SECTION 2. That such change of names shall in no wise affect the rights, privileges, and liabilities of either of said persons, individually and generally.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 1, 1894.

99L

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[House Bill No. 419.]

### AN ACT

For the relief of William H. Dillery, treasurer of the village of Arcadia, Hancock county, Ohio, and the sureties on his official bond.

WHEREAS, William H. Dillery is the duly elected treasurer of the incorporated village of Arcadia, Hancock county, Ohio; and

WHEREAS, On the 27th of May, 1893, as such treasurer, under the written instruction of the council of such village, he had on deposit in the bank of Foster & Company, of Fostoria, Ohio, the sum of sixteen hundred dollars belonging to the gas fund of said village; and

WHEREAS, Without fault or negligence on the part of said William H. Dillery said banking company and the individual members of said firm did, on the 27th of May, 1893, make a voluntary assignment for the benefit of their creditors; and

WHEREAS, All of the taxpayers of said corporation have asked that said William H. Dillery and the sureties on his official bond be relieved of all liability in the premises;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That William H. Dillery, treasurer of the incorporated village of Arcadia, Ohio, and the sureties on his official bond be and they are hereby relieved and released from the payment to said corporation or to the officers thereof of any part of the sum of sixteen hundred dollars due said corporation from Foster & Company, and the assignee of said company is hereby authorized and directed to pay into the treasury of said corporation any and all dividends that may be found due on said claim.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 1, 1894.

100L

## AN ACT

To authorize the commissioners of Greene county, Ohio, to construct a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Greene county, Ohio, be and are hereby authorized and required to build and construct a good and sufficient free turnpike on the following described road, viz.: Beginning at the county line between Fayette and Greene counties, at the western terminus of the Moon and Evans turnpike, running westward and southwest, on the line of a county road, about two and one-half miles, to the intersection of the Jamestown and Jeffersonville turnpike.

SECTION 2. Thirty per centum of the entire cost and expenses of the construction of said pike shall be paid by a tax on all the taxable property, real and personal, within one mile on either side of said free turnpike road, and seventy per centum of the cost and expenses of the construction of said free turnpike shall be paid by a tax on all the taxable property of the said county.

SECTION 3. The said county commissioners shall determine the time in which the said thirty per centum shall be paid, which shall not be less than five nor more than ten years, and an equal part of said thirty per centum shall be levied and collected each year, and the said commissioners are authorized each year to make such levy upon all the taxable property within said taxing district, until the whole thirty per centum is fully paid, and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and said commissioners shall, in like manner, levy upon all the taxable property of the county, the seventy per centum of the cost and construction, so that the same will be paid in not less than five years, nor more than ten years.

SECTION 4. For the purpose of paying seventy per centum of the cost and expenses of the construction of said free turnpike road, the commissioners are hereby authorized to issue the bonds of the said county, bearing not to exceed six per cent. interest, payable semi-annually. The bonds shall be payable at such times as the commissioners may determine not exceeding ten years from the date thereof; said bonds shall not be sold for less than their par value; said bonds and interest shall be payable at the treasury of the said county, by order of the commissioners, on the warrant of the county auditor.

SECTION 5. The said county commissioners are hereby authorized to sell said road at public auction, or on sealed bids, as they may deem best, in sections of one-half mile each, or they may sell the same as a whole, as they think best for the public interest.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 1, 1894.  
101L

## AN ACT

To create a special school district in Union township, Auglaize county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory now embraced in subdistrict No. four (4) of the township of Union and county of Auglaize, and described as follows, to wit: Sections seventeen (17), eighteen (18), nineteen (19) and twenty (20), including the village of Uniopolis, in township five (5), south of range seven (7) east, be and the same is hereby created a special school district by the name of Uniopolis special school district.

SECTION 2. The electors of said special school district shall, on the second Monday of April, 1894, elect six (6) directors, who shall constitute the board of education of said special school district, two of whom shall serve for the term of one (1) year, two for the term of two (2) years, and two for the term of three (3) years, and annually thereafter shall elect two directors, who shall serve three (3) years, and until their successors are elected and qualified.

SECTION 3. All school property situated within the said described territory shall be the property of said special school district.

SECTION 4. Said special school district shall be entitled to, and shall receive its proportionate share of the tuition funds, and the funds levied for school-house and contingent expenses now in the hands of the county or township treasurer, or now levied and not yet collected. Said proportionate share shall be based upon the enumeration of 1893.

SECTION 5. Said district shall be governed in all respects by such laws as are now or may hereafter be in force, relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 5, 1894.  
102L

## AN ACT

To authorize the council of the city of Zanesville to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Zanesville be and is hereby authorized and empowered to transfer to the general fund of said city, or to such other funds as council may deem proper, so much of the funds arising from the levies respectively made for the year 1893 under the authority and provisions of acts of the general assembly, respectively entitled "An act to authorize the city of Zanesville to issue bonds for the purpose of purchasing a site and erecting thereon a hose house and appurtenances for public use," passed January 27, 1890 (87, O. L., 383),

"An act to authorize the city council of any city of the third grade of the second class, having at the last federal census, or which at any subsequent federal census may have a population of 18,118, to issue bonds for developing natural gas and oil, and for general improvements and benefit of said city," passed February 19, 1890 (87, O. L., 22), and "An act to authorize any city of the second class and third grade, containing a population of 18,118 at the last federal census, or that by any subsequent federal census may have such population, to issue bonds for the purpose of laying mains and extending and increasing water-works," passed April 25, 1890 (87, O. L., 293), as may not be needed or required for said year to pay the interest, as the same respectively becomes payable, on any bonds issued under the power or authority conferred by either of said acts respectively.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 5, 1894.  
108L

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[House Bill No. 320.]

## AN ACT

Authorizing certain cities to assume indebtedness incurred in the erection and furnishing of soldiers' memorial halls.

[IRONTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the fourth grade of the second class, which at the last federal census had, or at any succeeding federal census may have a population of not less than 10,930 and not more than 10,950, is authorized and empowered, upon a vote of a majority of the members-elect of the city council, to assume and obligate itself for the payment of any indebtedness which the trustees of any soldiers' memorial hall, erected by authority of law in any such city, may have properly and necessarily incurred in the erection and furnishing of such memorial hall to an amount not exceeding thirty-five hundred (\$3,500) dollars, and for such purpose is authorized and empowered, either to pay the said indebtedness out of the taxes levied and collected for the general purposes of the corporation, or to issue the bonds of said city to an amount not exceeding thirty-five hundred (\$3,500) dollars, which bonds shall be of such denominations and payable at such places and times not exceeding twenty years, as the council shall determine, and shall bear interest not exceeding five per cent. per annum and shall not be sold for less than their par value. The said bonds, principal and interest, may be paid out of the levy made for the general purpose of the corporation, or out of the levy made for the purpose of paying the principal and interest of bonds issued for the erection of such memorial hall, or out of a special levy hereby authorized for the payment of the principal and interest of the bonds issued under this act, at the discretion of the council.



SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 6, 1894.  
104L

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[House Bill No. 384.]

### AN ACT

To authorize the trustees of Dorset township, Ashtabula county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Dorset, Ashtabula county, be and they are hereby authorized to transfer fifty dollars from the road fund, one hundred dollars from the township fund, and two hundred and fifty dollars from the cemetery fund, all to school fund, to be used for building purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 6, 1894.  
105L

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[House Bill No. 458.]

### AN ACT

To authorize the board of education of the city of Springfield, Ohio, to issue bonds and levy a tax for the purpose therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city school district of Springfield, Clark county, Ohio, be and it is hereby authorized to issue the bonds of said school district in an amount not exceeding thirty-five thousand dollars, for the purpose of paying off a floating debt of said board of education. Said bonds shall be coupon bonds and shall be issued in denominations of not more than one thousand dollars and shall be signed by the president and attested by the clerk of said board of education. Said bonds shall be sold for not less than their par value and shall bear such rate of interest not exceeding six per centum per annum, payable semi-annually and shall be payable at such time or times not exceeding twelve years from the respective dates thereof, as said board of education may determine. Said bonds shall be advertised and sold in the manner provided by law and the proceeds of the sales thereof shall be applied exclusively to the purpose for which said bonds are issued.

**SECTION 2.** Said board shall annually thereafter, cause the necessary taxes to be levied to pay the interest on said bonds and to pay the principal thereof as the same shall become due, in the manner provided by law for levying and collecting taxes.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 6, 1894.  
106L

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[House Bill No. 461.]

### AN ACT

To authorize the trustees of the gas-works of a municipal corporation of the second class and fourth grade, and owning gas-works that are out of debt, to take up and cancel bonds of such municipal corporation, with the earnings of said gas-works, not required for the running expenses of the said gas-works.

[LANCASTER.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the surplus of all revenues by the trustees of the gas-works of any municipal corporation, of the second class and fourth grade, and owning gas-works that are out of debt, above the revenue required for the proper conduct and management of the gas-works therein, may at any time be set aside, and thereafter considered a separate fund, to be known as the "gas-works sinking fund;" and said fund shall be held for the purpose of taking up, paying off, and canceling, when due or before due, any bonds and the interest thereon, issued by such municipal corporation for any purposes, and payable according to the issue therefor, out of the general bond and interest fund of the city. And said gas trustees shall have the control of said fund, and at no time shall there be over \$5,000 kept upon deposit, if investment can be made.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 6, 1894.  
107L

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[House Bill No. 464.]

### AN ACT

To authorize the council of the city of Steubenville to transfer funds therein named.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Steubenville, Jefferson county,

Ohio, is hereby authorized to transfer not more than two thousand five hundred dollars (\$2,500), from the bridge fund, to the general purpose fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 6, 1894.

108L

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[House Bill No. 466.]

### AN ACT

To authorize the council of the village of West Alexandria, Preble county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of West Alexandria, Preble county, be and are hereby authorized to transfer the sum of five hundred and eighty-seven dollars and fifty-five cents (\$587.55) from the town hall fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 6, 1894.

109L

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[House Bill No. 467.]

### AN ACT

To authorize the council of the village of Leipsic, Putnam county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Leipsic, Putnam county, be and the same is hereby authorized to transfer the sum of fifteen hundred dollars from the street lighting fund of said village to the street fund thereof.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 6, 1894.

110L

[House Bill No. 468.]

## AN ACT

To amend section 1 of an act passed April 15, 1892, entitled "An act to regulate burdens upon county roads in counties having at the federal census of 1880 a population of not more than thirty-three thousand five hundred and fifteen, and not less than thirty-three thousand five hundred and ten," as amended April 18, 1893 (local O. L., 439).

[SCIOTO COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above recited act be amended to read as follows:

Sec. 1. That in any county in this state having at the federal census of 1880 a population of not more than thirty-three thousand five hundred and fifteen and not less than thirty-three thousand five hundred and ten, the county commissioners shall have power to enforce the following regulations as to burdens hauled over all free turnpikes or improved county roads, viz.: All vehicles carrying a burden of over twenty-five hundred pounds and not over thirty-five hundred pounds shall have tire of not less than three inches in width; all vehicles carrying a burden of over thirty-five hundred pounds and not over four thousand pounds, shall have tire of not less than three and one-half inches in width; all vehicles carrying a burden of over four thousand pounds and not over six thousand pounds, shall have tire of not less than four inches in width; all vehicles carrying a burden of over six thousand pounds and not over eight thousand pounds, shall have tire of not less than five inches in width; all vehicles carrying a burden of over eight thousand pounds shall have tire of not less than six inches in width; provided, however, that the owner of real estate, his tenants, or agents may use any character of vehicle, without reference to the burden carried or width of tire, in hauling his products from one portion of his premises to another portion thereof, along said turnpikes or roads.

SECTION 2. Said section 1 of said act above mentioned as amended April 18, 1893, is hereby repealed and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 6, 1894.  
 111L

[House Bill No. 478.]

## AN ACT

Supplementary to and amendatory of an act entitled "An act to amend section one of an act entitled an act supplementary and amendatory to an act to amend section 1 of an act entitled an act to authorize the county commissioners of Cuyahoga county to build a monument or memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor, passed April 2, 1880 (vol. 77, p. 363), as amended February 4, 1881 (vol. 78, p. 316), as amended April 22, 1885 (vol. 82, p. 363), as amended April 16, 1888 (vol. 85, p. 564), as amended January 30, 1890 (vol. 87, p. 391), and as amended April 2, 1891 (vol. 88, p. 786), and also to amend section 7 of said amendatory act of April 16, 1888 (vol. 85, p. 564)," passed March 27, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the taxes authorized to be levied by the

county commissioners of Cuyahoga county, for the purpose of erecting a suitable structure commemorative of the services, patriotism and valor of the soldiers and sailors of the union army and navy in the war of the rebellion, who enlisted from Cuyahoga county, which authority is vested in said commissioners by the act to which this is supplementary and amendatory, the county commissioners of said county are authorized and directed to levy a further additional tax upon all the taxable property of said county, of three-tenths of a mill, for the year 1896; and said county commissioners are hereby authorized and directed to issue bonds or notes, at such times as they may be requested so to do by the monumental commissioners of said county, for the amount of the said three-tenths additional levy to be made in the year 1896; such bonds or notes to be made payable in such amounts, and at such times, as will make them come due, as near as practicable, at the times when the money will be collected and received from such levy.

SECTION 2. All moneys raised by such additional levy, so far as the same may be necessary, shall be expended by said monumental commissioners, as provided in the act to which this is supplementary and amendatory; should there be a surplus of money after such monument is fully completed and the grounds surrounding the same in the southeast section of the square, placed in proper condition, such surplus shall be turned over to the county commissioners of said county, to be by them placed in the general fund of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 6, 1894.

112L

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[Senate Bill No. 187.]

## AN ACT

To create a special school district in Malaga township, Monroe county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Malaga township, Monroe county, Ohio, to be known as the Malaga special school district, to wit: Including section five (5), except the southeast quarter, section six (6), section eleven (11), except the south half of the southwest quarter, section twelve (12), the town of Malaga included. Part of section seventeen (17), to wit: The north half of the northwest quarter. Part of section eighteen (18), southeast quarter and east half of the northeast quarter, all in range six (6) and township six (6).

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses, in accordance with the enumeration of the year 1893, of children who are entitled to attend school, said funds being those now collected within the county and township treasuries, and shall be gov-

erned by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.

113L

[House Bill No. 394.]

## AN ACT

To provide for the election of the board of education in certain cities of the second class and fourth grade by wards.

[DEFIANCE AND MIDDLETOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second class and fourth grade, having a population at the last federal census, or any subsequent federal census, of not less than seven thousand six hundred and eighty nor greater than seven thousand seven hundred and fifty, the board of education shall consist of two members from each ward, to be elected by wards, to serve a term of two years from the third Monday of April following the election; provided, that in said cities of the second class and fourth grade, there shall be elected at the first annual municipal election to be held after the passage of this act, in each ward, by the qualified electors thereof, one member to serve for the term of two years and one member to serve for the term of one year, and thereafter, annually, in each ward one member of the board, who shall hold his office until the election and qualification of his successor; provided, however, that the members of the present board of education shall continue as members of such board until the persons elected under the provisions of this act are qualified. Provided further that where to such cities of the second class and fourth grade, there has been added or may hereafter be added by the board of education of said cities contiguous territory for school purposes so that the school district is larger than the corporate limits of such cities then it shall be and is hereby made the duty of the board of education in office, to at once divide said contiguous territory so annexed by said board of education to such cities for school purposes; so that, certain parts of such annexed territory may for the purposes of electing members of the board of education be connected with such wards or districts, in said cities as may lie nearest to said territory so annexed; and that any elector residing in such contiguous territory so annexed for school purposes to such cities but not in any ward of said city, shall be entitled to vote for members of the board of education in the ward to which he is attached by the board of education in such cities for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.

114L

[House Bill No. 347.]

## AN ACT

To authorize the trustees of Falls township, Hocking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Falls township, Hocking county, Ohio, are hereby authorized to transfer two hundred dollars (\$200) from the bridge and culvert fund to the township fund, and also three hundred dollars (\$300) from the road fund to the township fund.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 7, 1894.  
115L

[House Bill No. 396.]

## AN ACT

To authorize the board of education of Washington township, Preble county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Washington township, Preble county, be and are hereby authorized to transfer the sum of thirty-five hundred dollars (\$3,500) from the contingent fund to the tuition fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 7, 1894.  
116L

[House Bill No. 437.]

## AN ACT

To authorize the commissioners of Champaign county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Champaign county be and are hereby authorized to transfer two thousand (\$2,000) dollars from the building fund to the county fund; and fifteen hundred (\$1,500) dollars from the election fund to the county fund; and five thousand (\$5,000) dollars from the building fund to the infirmary fund.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.  
117L

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[House Bill No. 449.]

### AN ACT

To release Michael D. Canny, William Martin and Benjamin F. Knowlton, sureties on the official bond of Aurillius C. Knowlton, as treasurer of the school fund of Knox township, Vinton county, Ohio.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Knox township, Vinton county, Ohio, is hereby authorized to fully release and discharge Michael D. Canny, William Martin and Benjamin F. Knowlton, sureties on the official bond of Aurillius C. Knowlton as treasurer of the school fund of said township; provided, that the trustees of said township of Knox shall submit said proposition to release, upon ten days' notice being given (by printed notices put up in five of the most public places of the township), to the qualified electors of said township at the April election, 1894, and a majority of electors at such election voting on said proposition shall declare in favor of such release. Those favoring such release shall have written or printed on the regular tickets voted by them the words, "Release of treasurer's sureties—Yes;" and those opposed, "Release of treasurer's sureties—No."

**SECTION 2.** This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.  
118L

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[House Bill No. 453.]

### AN ACT

To authorize the village of Clyde, Sandusky county, Ohio, to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Clyde, Sandusky county, Ohio, be and hereby is authorized to transfer certain funds of said village as follows, to wit: From the sinking fund to the lighting fund the sum of two thousand (\$2,000) dollars.



SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.  
119L

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[House Bill No. 491.]

### AN ACT

To change the names of Irving Carmi Heiges, Frederick Webster Heiges, and Alfred Kumler Heiges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the names of Irving Carmi Heiges, Frederick Webster Heiges, and Alfred Kumler Heiges, residents of Montgomery county, Ohio, be and the same are hereby changed so as to read as follows, to wit: Irving Carmi Hoffman, Frederick Webster Hoffman and Alfred Kumler Hoffman, respectively.

SECTION 2. That said change shall in no wise affect the rights, privileges and liabilities of said persons.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 7, 1894.  
120L

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[Senate Bill No. 127.]

### AN ACT

To authorize the board of education of Green township, Hamilton county, Ohio, to issue bonds for the erection of a new school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Green township, Hamilton county, Ohio, is hereby authorized and empowered to issue bonds not to exceed the sum of fifteen hundred dollars, for the purpose of erecting a new school-house in the village of Dent, Hamilton county, Ohio.

SECTION 2. Said bonds shall be issued by said board and signed by the president and attested by the clerk thereof; they shall be of the denomination of one hundred dollars each and payable in two years after date, at such place as said board of education may determine, and shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 8, 1894.  
 121L

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[Senate Bill No 172.]

## AN ACT

To enable the county commissioners of the county named therein to issue bonds to supply the deficiency in county funds.

[ERIE COUNTY.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners, in counties having a population at the federal census of 1890, and which at any succeeding census may have a population of 35,462, be and they are hereby authorized to issue the bonds of said counties in amount not to exceed thirty thousand dollars, with interest coupons attached thereto, interest payable semi-annually, and in sums not less than five hundred dollars nor greater than one thousand dollars, principal and interest payable at the office of the treasurer of said counties; said bonds to be due and payable at such times as such commissioners of said counties may in their discretion deem for the best interest of said counties; provided that none of said bonds shall be due and payable at a longer period than ten years from the date of issue; said bonds to bear interest at a rate not to exceed five per cent. per annum; said bonds to be sold under the statute governing the advertising and sale of bonds, and shall not be sold for less than their par value and accrued interest, if any, and the proceeds thereof to be placed in the county treasury to the credit of the county general fund, for the purpose of covering deficiencies already existing in said fund, and to pay the interest and redeem the bonds heretofore issued and herein authorized to be issued by said county commissioners.

**SECTION 2.** That for the payment of the interest on and for the final redemption of said bonds, herein authorized to be issued, and for the payment of interest on and for the final redemption of any other bonds of said counties heretofore issued, the commissioners of said counties shall annually levy taxes upon all taxable property in said counties, at a rate not to exceed one mill on the dollar, in addition to the levies now authorized by law, to create such a fund as may be found necessary to pay the interest on and provide for the final redemption of any bonds of said counties as they become due and payable. Provided, that the tax levy hereby authorized shall not extend beyond ten years from the first day of January, A. D. 1895.

**SECTION 3.** The said bonds shall be issued and signed by said commissioners of said counties or a majority of the board, and countersigned by the county auditor, who shall keep and preserve a record of the bonds so issued, and said bonds shall be numbered consecutively and be made negotiable.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

**ALEX. BOXWELL,**  
*Speaker of the House of Representatives.*

**ANDREW L. HARRIS,**  
*President of the Senate.*

Passed March 8, 1894.  
122L

[House Bill No. 530.]

### AN ACT

To provide for the relief of Jacob Collett, treasurer of Somers township, Preble county, Ohio, and the sureties on his official bond.

**WHEREAS,** On the ninth day of June, 1893, Jacob Collett, being treasurer of the township of Somers, Preble county, Ohio, had on deposit, as such treasurer, in the Camden bank in the town of Camden in said township, of the funds belonging to said township, the sum of one thousand four hundred and twenty-six and 6-100 dollars (\$1,426.06); and

**WHEREAS,** Said bank on said 9th day of June, 1893, failed and made an assignment for the benefit of its creditors; and

**WHEREAS,** By reason of such failure of said bank, and without any fault or negligence of said Jacob Collett, a part of said funds, about fifty per cent. (50 per cent.) thereof, will be lost; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Somers township, Preble county, Ohio, shall, at the regular election for township officers on the first Monday in April, A. D., 1894, notice thereof having been given by publication in a newspaper printed in said township, submit to the qualified electors of said township the question: "Whether or not Jacob Collett, treasurer of Somers township, Preble county, Ohio, and his sureties on his official bond, shall be released and discharged, from the payment to said township of the funds belonging to said township, deposited in the Camden bank in said township, and lost by reason of the failure of said bank."

**SECTION 2.** Said question shall be submitted upon separate ballots as provided by law, and voted in a separate ballot-box to be provided by said trustees, and each ballot shall have written or printed thereon, "For relief of Jacob Collett—Yes. For relief of Jacob Collett—No."

**SECTION 3.** If the majority of the electors voting upon said proposition shall vote in favor of releasing said Jacob Collett and his bondsmen, then the said Collett and his bondsmen shall be, then and thereby, wholly released and discharged from the payment of whatever part of said sum of \$1,426.06 said bank or the assignee thereof shall fail and be unable to pay.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

**ALEX. BOXWELL,**  
*Speaker of the House of Representatives.*

**ANDREW L. HARRIS,**  
*President of the Senate.*

Passed March 12, 1894.  
123L

## AN ACT

To authorize the council of any village of this state having at the last federal census, or which may have at any subsequent federal census, a population of not less than 1,600 nor more than 1,610, to issue and sell bonds of such village for the purpose of supplying such village with a system of public water-works.

[CAREY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village of this state having, according to the last federal census, or which may have according to any subsequent federal census, a population of not less than 1,600 nor more than 1,610, be and the same is hereby authorized to issue bonds of such village not exceeding forty thousand dollars (\$40,000), to sell the same and apply the proceeds thereof in providing such village with a system of public water-works.

SECTION 2. Said bonds shall be issued in such amount, not exceeding forty thousand dollars (\$40,000), in such denominations, not exceeding \$1,000 nor less than \$500, and payable at such time or times, not exceeding thirty years, as such council shall provide. Said bonds shall bear interest at a rate not exceeding six (6) per centum per annum from date of issue, payable semi-annually, at such places as may be designated by said council, and they shall not be sold for less than par value. They shall be signed by the mayor, countersigned by the clerk and authenticated by the seal of such village.

SECTION 3. The proceeds realized from the sale of such bonds shall be used by the council of such village for the purpose of purchasing the necessary grounds, which may be purchased by contract, or by proceedings for the appropriation of property for public uses as in other cases, and constructing and maintaining a system of water-works for such village.

SECTION 4. For the payment of said bonds and accruing interest thereon, said council shall, at the time of making other levies, levy a tax on all the taxable property of such village, sufficient in amount each year to pay the bonds falling due that year and the interest accrued.

SECTION 5. Before said bonds shall be issued or tax levied, the question of issuing said bonds and the levying of a tax therefor shall be submitted to a vote of the electors of such village at a general or special election called for that purpose, as the council of such village may order. Notice of such election shall be given ten days prior to said election in one newspaper of general circulation in such village, stating the purpose for which said bonds are to be issued, the amount of bonds to be issued, and the time and place of holding the election. Those who vote in favor of the proposition shall have printed or written on their ballots the words, "Water-works bonds—Yes;" and those who vote against the same shall have printed or written on their ballots the words, "Water-works bonds—No." If the proposition to issue such bonds is approved by a majority of all the votes cast at said election for or against said question, the council of such village shall have authority to issue said bonds and levy said tax as provided in this act.

SECTION 6. That if the bonds herein provided for shall not be issued or disposed of within five years from April 1, 1894, then this act shall be null and void; and if, at the expiration of that time, there remains

a portion of said bonds which have not been issued or disposed of, then that portion of said bonds shall be void and of no effect.

SECTION 7. The mayor of such village is required within thirty days after such proposition is approved according to this act, to nominate three persons of said village, of high and well-known integrity and ability, not more than two of whom shall be members of the same political party, to act as water-works trustees. They shall be nominated, one for one year, one for two years, and one for three years. These nominations shall be announced at some regular meeting of the council, and a two-thirds vote of the council shall be necessary to confirm said appointments. These trustees shall serve respectively, until their successors are respectively elected and qualified according to statute, at the general elections occurring in such village nearest the first, second and third years from the time such board of trustees was first created. Vacancy in such board as to one appointed for said first, second or third year shall be filled according to the heretofore provisions of appointment and confirmation.

SECTION 8. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
124L

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[Senate Bill No. 173.]

### AN ACT

To authorize the village of Linwood, Ohio, to issue bonds to pay expenses of operating water-works and electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Linwood, Hamilton county, Ohio, is hereby authorized to issue bonds of said village in a sum not exceeding three thousand dollars, in denominations not less than one hundred nor more than five hundred dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to run such time as council may by ordinance prescribe, not exceeding ten years from date.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be sold at public or private sale, at not less than their par value, with accrued interest, if any, and may be sold at such times and in such amounts, from time to time, as will best subserve to carry out the purpose for which they were issued.

SECTION 3. The proceeds of such bonds shall be used for the purpose of maintaining and operating the water-works and electric light plant in said village until such time as the same shall become self-sustaining, and any balance remaining unexpended shall be applied to the payment of the public debt of said village.

SECTION 4. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, and said council is hereby authorized, thereafter, until such time as the same and the

interest thereon shall be paid, to annually levy a tax on all the taxable property of said village sufficient to provide for the payment of the interest accruing on said bonds so issued, and create a sinking fund for the payment of the principal of the bonds as they fall due.

SECTION 5. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 13, 1894.

125L

[Senate Bill No. 197.]

### AN ACT

To amend an act entitled "An act to provide for the care and control of electric light plants in certain villages," passed March 30, 1892 (89, O. L., 184).

[GREENFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to provide for the care and control of electric light plants in certain villages," passed March 30, 1892 (89, O. L., 184), be and the same is hereby amended so as to read as follows:

Sec. 1. That the council of any village owning and operating water-works and electric light plants may, by ordinance, place the care and control of such electric light plants into the hands of the water-works trustees, or into the hands of a board of management consisting of the water-works trustees and three members of the village council of such village. And the acts of such water-works trustees, or board of management, within the limits of the ordinance giving them such control shall be binding upon all parties concerned.

SECTION 2. That said original section, as passed March 30, 1892 (89, O. L., 184), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 13, 1894.

126L

[House Bill No. 248.]

### AN ACT

To provide for the election of the board of education in cities of the second class and fourth grade, having a population at the federal census of 1890 of not less than seven thousand one hundred and thirty, and not exceeding seven thousand one hundred and sixty.

[FREMONT.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city of the second class and fourth grade, having

a population at the federal census of 1890 of not less than seven thousand one hundred and thirty, and not exceeding seven thousand one hundred and sixty, the board of education shall consist of two members from each district, to be elected by districts to serve a term of two years from the third Monday of April following his election, except as herein-after provided; and for the purpose of electing such board of education such cities shall be and are hereby divided into districts consisting of one ward each, and in said cities of the second class and fourth grade, there shall be elected at the first annual municipal election to be held after the passage of this act, in each district by the qualified electors thereof, one member to serve for the term of two years, and in each district, by the qualified electors thereof, one member to serve for the term of one year, and thereafter, annually, in each district, one member of the board who shall hold his office until the election and qualification of his successor.

SECTION 2. That all sections and parts of sections inconsistent with this act be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
127L

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[House Bill No. 500.]

### AN ACT

To authorize the board of education of Jackson township, Guernsey county, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Jackson township, Guernsey county, be and it hereby is authorized to borrow the sum of two thousand dollars, for the purpose of paying existing indebtedness, and erecting school-houses, and continuing the schools in said township.

SECTION 2. Said board is authorized to issue its bonds for said sum, to bear interest at not to exceed six per centum, per annum, payable semi-annually, to be in denominations of \$500, and to run not to exceed five years, at its discretion.

SECTION 3. Said bonds shall be signed by the president and clerk of said board, and shall be a lien on the taxable property of said township, and it shall be the duty of said board to levy a sufficient tax each year to pay the principal and interest to fall due, and for that purpose the board may levy one mill in addition to all other taxes now authorized to be levied, but not beyond the year 1898.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
128L

[House Bill No. 506.]

**AN ACT**

To authorize the commissioners of Medina county to transfer funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Medina county, Ohio, be and they are hereby authorized to transfer funds not to exceed the sum of one thousand dollars from the dog fund of said county to the school fund of Guilford township, in said county, and transfer not to exceed the sum of six hundred dollars from said dog fund to the school fund of the special school district of Seville in said township.

**SECTION 2.** Provided, that when said sums of money or any part thereof are collected from Frank P. Wideman, a defaulting treasurer of said township, or his bondsmen, or by a tax levied on the taxable property of said Guilford township and said Seville special school district, the same shall be returned and paid back into said dog fund and distributed as is provided by law.

**SECTION 3.** This act shall take effect and be in force from after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
129L

[House Bill No. 528.]

**AN ACT**

To authorize the village of Kirby, Wyandot county, Ohio, to transfer funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the village of Kirby, Wyandot county, Ohio, be and the same is hereby authorized to transfer from the police fund of said village the sum of five hundred dollars to its street funds.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
130L

[House Bill No. 529.]

**AN ACT**

To authorize cities of the second grade of the first class to transfer certain funds.

[CLEVELAND.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That all cities of the second grade of the first class be, and they



hereby are, authorized to. transfer \$10,000 from the park expense fund and \$20,000 from the interest fund to the infirmity fund; said transfer shall be made in monthly instalments not exceeding \$10,000; provided that annually thereafter there shall be retransferred from the infirmity fund to said park expense and interest funds sums which shall not be less than \$10,000, until the whole of said \$30,000 is retransferred.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 13, 1894.  
131L

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[House Bill No. 368.]

### AN ACT

For the relief of John O. McElroy, treasurer of Liberty township, Hardin county, Ohio, and the sureties on his official bond.

WHEREAS, On and prior to the 18th day of July, A. D. 1893, John O. McElroy was the duly elected and qualified treasurer of Liberty township, Hardin county, Ohio; and

WHEREAS, The trustees of said township did not furnish said treasurer with a safe or other means for the protection of the funds in his hands; and

WHEREAS, As such treasurer he, with the full knowledge of the board of township trustees, then had on deposit in the Citizens' bank of Ada, in the township aforesaid, twenty-five hundred and ninety-six dollars and thirty-two cents; and

WHEREAS, Without fault or negligence on the part of said John O. McElroy said bank became insolvent and did, on the said 18th day of July, A. D. 1893, make a general assignment for the benefit of its creditors; and

WHEREAS, Over seven hundred of the qualified electors and taxpayers of said township (being more than eighty per cent. of the electors and more than ninety per cent. of the taxpayers) have petitioned this general assembly to pass an act to relieve said treasurer and the sureties on his official bond; and

WHEREAS, The trustee of said bank certified that in his opinion the assets of said bank will, upon final settlement, pay seventy-five to eighty per cent. of its liabilities; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said John O. McElroy and the sureties on his official bond as treasurer as aforesaid, be and are wholly relieved and released from the payment to the treasurer of said township aforesaid, or to the officers thereof, of whatever part of said twenty-five hundred and ninety-six dollars and thirty-two cents shall remain due said John O. McElroy as treasurer as aforesaid, from said Citizens' bank of Ada, Ohio, upon the final settlement of the affairs of said bank, and they and each of them shall be relieved and released from any and all liability for said sum. And the trustees of said bank are hereby authorized and directed to pay to

the treasurer of said township all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.

132L

[House Bill No. 376.]

### AN ACT

To create a board of control to take charge of and control of the precinct house in Jewett election precinct in Rumley township, Harrison county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is created a board of control, consisting of three electors resident within such precinct to take charge of and control the precinct house in Jewett election precinct in Rumley township, Harrison county, Ohio. That the same board of control shall be elected by the electors of said Jewett precinct at the first regular election occurring after the passage of this act, and shall hold their office for the term of one, two and three years respectively but the term of office of their successors shall each be three years. That as soon as said board of control shall have been elected as aforesaid, one for the term of one year, one for the term of two years and one for the term of three years, they shall assume control of said precinct house and all moneys collected for rent or otherwise shall belong to and be for the exclusive use of said precinct and the trustees of Rumley township, Harrison county, Ohio, are hereby authorized and required to deliver to said board of control the possession thereof, and thereafter said trustees shall remain discharged from any further obligations pertaining to the control of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.

133L

[House Bill No. 393.]

### AN ACT

To authorize the county commissioners of Sandusky county, Ohio, to issue bonds for the purpose of meeting and providing for a deficiency in the several funds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Sandusky county, Ohio, are

hereby authorized and empowered to issue bonds of said county in an amount not exceeding fifty thousand (\$50,000) dollars to pay deficiencies existing in the various funds of said county. Said bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, and shall be of such denominations from one hundred to five hundred dollars each as the said commissioners may direct, payable in not less than five years nor more than ten years at the option of said county commissioners, and said bonds shall be sold for not less than par value and according to law.

SECTION 2. The proceeds arising from the sale of said bonds shall be paid into the county treasury, and the county commissioners and auditor of said county are hereby constituted a board and authorized to apportion the said money among the several funds of said county in proportion to the requirements thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.  
134L

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[House Bill No. 492.]

### AN ACT

To authorize the commissioners of the Bowen gravel road of Union county, Ohio, to sell bonds at a rate of interest not exceeding 7 per centum per annum payable semi-annually; and to extend the time of tax levy for the liquidation of the same.

WHEREAS, There has been constructed in Union county, Ohio, a gravel road, known and designated as the Bowen gravel road, which road was constructed under the provisions of title 7, chapter 7 of the Revised Statutes of Ohio; and

WHEREAS, The commissioners of said gravel road can not sell the bonds issued for its construction, at the rate of interest provided in section 4808 of the Revised Statutes of Ohio, which section authorizes the issuing and sale of such bonds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the road commissioners of the Bowen gravel road of Union county, Ohio, be and the same are hereby authorized to issue bonds not to exceed four thousand five hundred (\$4,500) dollars in the aggregate, which bonds shall bear interest at a rate not exceeding seven per centum per annum, payable semi-annually; and the same shall be made payable at the place and in the manner, and sold and registered and the extra taxes for the payment of the same shall be levied, collected, paid and applied, as provided in section 4808 of the Revised Statutes of Ohio; and said commissioners may extend the levy, until the obligation authorized in this act is entirely liquidated.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.  
 135L

[ House Bill No. 505.]

### AN ACT

For the relief of L. V. Schnurrunberger, treasurer of Green township, Mahoning county, Ohio, and his official bondsmen.

WHEREAS, In the month of November, 1893, a sum of money in excess of one thousand dollars (\$1,000), being the township and school funds of Green township, was stolen from L. V. Schnurrunberger, treasurer, without neglect upon his part; and

WHEREAS, A large number of the qualified electors of said township have petitioned this general assembly for the relief of said L. V. Schnurrunberger, and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Green township, Mahoning county, Ohio, be and they are hereby authorized and empowered to submit to the qualified electors of said township at the next regular April election held after the passage of this act, ten days' notice of which shall be given before the day of said election by written or printed posters in at least five public places in said township, the question of releasing said L. V. Schnurrunberger, treasurer of Green township, Mahoning county, Ohio, and the sureties on his official bond from the payment of one thousand dollars (\$1,000), being part of the amount so stolen from said Schnurrunberger.

SECTION 2. That the voters of said township desiring to vote for such relief shall have written or printed on their ballots the words, "For relief of L. V. Schnurrunberger, treasurer, and his sureties—Yes," and those desiring to vote against such relief, shall have written or printed on their ballots, the words, "For relief of L. V. Schnurrunberger, treasurer, and his sureties—No."

SECTION 3. That if a majority of all votes cast upon said question of release at said election shall be in favor of said release, then said trustees and the other township officers of said township shall by suitable procedure release said L. V. Schnurrunberger and the sureties on his official bond, as treasurer, from the payment of the sum of one thousand dollars (\$1,000), so stolen as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 13, 1894.  
 136L

[Senate Bill No. 209.]

## AN ACT

To authorize the erection of a school-house in Woodsfield, Monroe county, Ohio, or repair the old school-house therein situated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Woodsfield village district, of Monroe county, be and is hereby authorized to submit to the qualified electors of said district, at the general election for school directors to be held therein on the second day of April, 1894, the following proposition for authority to issue bonds to build and furnish new school-house, to be called proposition No. 1. Also proposition to issue bonds for the purpose of repairing and improving old building and grounds, to be called proposition No. 2, notices of which shall be given at least ten days prior to said election, by publication in a newspaper published and of general circulation in said village, or by posting notices in five public places therein. The tickets voted at said election shall have written or printed thereon the words, "Authority to issue bonds to build new school-house—Yes," and "Authority to issue bonds to build new school-house—No." "Authority to issue bonds to repair old school-house and grounds—Yes;" "Authority to issue bonds to repair old school-house and grounds—No."

SECTION 2. If proposition No. 1, to build new school-house, be approved by a majority of the electors of said district voting at said election (but not otherwise), then the board of education of said district be and it is hereby authorized to borrow money and issue bonds therefor, in any sum not exceeding ten thousand dollars (\$10,000), for the purpose of building and furnishing a school-house in said district. Said bonds to be of denomination not exceeding five hundred dollars each, payable at such time and place and at such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as said board of education may determine. Said bonds shall be signed by the president and attested by the clerk of said board. Said bonds may be sold at public or private sale, as said board may determine; but shall not be sold for less than their par value with accrued interest.

SECTION 3. Should proposition No. 2, to repair and improve old building and grounds, be approved by a majority of the qualified electors of said district voting at said election (but not otherwise), then the board of education of said district may borrow money and issue bonds therefor, in any sum not exceeding three thousand dollars (\$3,000), for the purpose of repairing and improving the old school building and grounds in said district. Said bonds to be of denomination not exceeding five hundred dollars each, payable at such times and place and at such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as such board of education may determine. Said bonds shall be signed by the president and attested by the clerk of said board. Said bonds may be sold at public or private sale, as said board may determine; but shall not be sold for less than their par value with accrued interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 14, 1894.

[Senate Bill No. 224.]

## AN ACT

To amend section 1 of an act entitled "An act to provide a more efficient government for cities of the first grade of the second class," passed March 8, 1893.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act to provide a more efficient government for cities of the first grade of the second class," passed March 8, 1893, be amended to read as follows:

Sec. 1. That in cities of the first grade of the second class, the legislative power and authority shall be vested in a council, which shall consist of two members from each ward in such cities, to be elected by wards, who shall serve for a term of two years. Members of council in office shall, unless vacancy sooner occurs, serve until the expiration of their respective terms; at each municipal election one member of the council shall be elected in each ward to serve two years; that not later than the first day of November next after the passage of this act, the city council in cities of the first grade of the second class shall redistrict the wards in such cities; and all wards so to be established shall be bounded, as far as practicable, by streets, alleys, avenues, public grounds, canals, watercourses, corporation lines, center lines of platted streets or railroads, and be composed of adjacent and compact territory; and the several wards at the time of redistricting shall contain as near an equal number of inhabitants as may be practicable; and not later than November 1, in every tenth year thereafter, the city council in said cities shall, in like manner, redistrict said cities. If the city councils in such cities fail to redistrict such cities by the said date, then the city board of elections in such cities shall, within two months after November 1, proceed to redistrict said cities as hereinbefore provided; provided, however, that whenever or by whomsoever said redistricting is done it shall not affect the term of office of members of council in office at the time of such redistricting; but they each shall serve until the expiration of their respective terms, and each of them shall, for the remainder of his term, represent the new ward in which he resides after said redistricting is done.

SECTION 2. Said original section 1 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 14, 1894.  
138L

[House Bill No. 513.]

## AN ACT

To authorize county commissioners to issue bonds for the purpose of paying existing deficiencies herein named.

[COLUMBIANA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county which at the federal cen-

sus of 1890 had, or which at any subsequent federal census may have a population of not less than 59,000 nor more than 60,000, may, in order to provide for an existing deficiency in the county fund and poor fund of said county, be and they are hereby authorized to issue the bonds of said county for an amount not to exceed forty thousand (\$40,000) dollars, said bonds to bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, and said bonds shall not be sold for less than their par value and accrued interest.

SECTION 2. Said bonds when so issued shall be signed by the commissioners of said county and countersigned by the auditor, and shall be in denominations of not less than one hundred dollars and not to exceed one thousand dollars each, and shall have interest coupons attached, signed and countersigned as said bonds are signed, and said bonds and coupons shall be payable to the bearer at the office of the treasurer of said county; said bonds shall mature and be payable not more than ten years from the date of issue.

SECTION 3. That for the payment of the interest on said bonds, and for their final redemption, the commissioners of said county are hereby authorized and required to levy taxes annually, in addition to the rate of taxes now authorized by law, such rate as shall pay said semi-annual interest, and at least one year before the final redemption of any of said bonds such rate in addition thereto as shall be necessary to redeem said bonds as they may mature, said levy to be on all the taxable property of said county.

SECTION 4. Said bonds shall be sold and registered according to law, and the proceeds applied to the payment of the existing deficiency in said county fund and said poor fund of said county, and shall not be used for any other purpose.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 15, 1894.  
189L

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[House Bill No. 602.]

## AN ACT

Providing for the redistricting of certain cities of the fourth grade and second class that at the last federal census or any subsequent federal census may have a population of not more than 9,090 or less than 9,085.

[PIQUA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the fourth grade and second class that at the last federal census, or any subsequent federal census may have a population of not more than 9,090 nor less than 9,085, it shall be the duty of the probate judge of the county in which such city is situated to appoint two legal voters of said cities only one of which shall be of the same political party and said two persons when so appointed shall also

appoint a third legal voter of said city, said three persons so appointed shall constitute a commission whose duty it shall be to redistrict any such city into wards; and if required in the judgment of said committee into precincts of wards, bounded as far as possible by streets, lanes, alleys, avenues, highways, watercourses, railroads and corporation lines.

SECTION 2. The members of any such commission shall, as soon as possible after appointment, take an oath to faithfully and honestly discharge the duties of such office and a majority of the same shall constitute a quorum and are authorized to do and perform the duties herein authorized and provided.

SECTION 3. The members of such commission, or a majority thereof, shall proceed and divide or redistrict any such city into wards and precincts of wards, where precincts are deemed necessary, and shall cause maps and descriptions of said wards and precincts to be made, and shall file and certify to same one copy with the mayor of any such city, one with the city clerk of any such city, and one with the city board of elections of any such city; upon the filing of any such maps and descriptions of such wards and precincts of wards, the new wards and precincts as therein described shall be deemed to be and are established and all former wards abolished, and the redistricting as made by said commission shall be and remain the lawful subdivisions of any such city for all purposes until changed by due process of law.

SECTION 4. The terms of all members of council heretofore elected to any such city shall continue until the first annual municipal election after the passage of this act, and then terminate; and there shall be elected at the said first annual municipal election in any such city after the passage of this act, two councilmen from each of said wards, so fixed by said commission, to serve one for one year, and one for two years; and thereafter all councilmen in any such city to be elected, shall serve for two years and as provided by law for the election or appointment of councilmen.

SECTION 5. The mayor upon the filing of said maps and descriptions of said wards and precincts shall immediately give notice by due process of law calling for an election for filling all the offices that are by this act established, abolished or terminated, at the next annual municipal election, and in case of any election for councilmen in any ward, and the term of such member or members of any such ward is not designated by the voters the mayor shall determine the duration of the terms of such members whether of one or two years.

SECTION 6. The redistricting into wards and precincts of any such city by said commission shall have the same force and effect as if made by ordinance of the council of any such city.

SECTION 7. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 15, 1894.  
140L



## AN ACT

To authorize the commissioners of Hamilton county to widen and improve the Montgomery road from the Duck creek road to Mound avenue, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county are hereby authorized and empowered to widen, grade and improve the Montgomery road, otherwise known as the Cincinnati and Montgomery turnpike, from the Duck creek road to Mound avenue, in the manner and means hereinafter provided in this act.

SECTION 2. The said county commissioners shall have exclusive final jurisdiction and power in all matters relative to the widening and improving of the said Montgomery road, and may begin proceedings in this behalf, with full authority to condemn the necessary property, and to make the necessary contracts, at any time after a petition has been presented to them asking for the same, signed by the owners of two-thirds of all the property abutting upon the said road, exclusive of intersections between the designated points, said petition shall also contain an agreement by said owners of two-thirds of all the property abutting upon the said roads to pay their proportion of the assessment herein set forth. Upon the filing of such petition, the county commissioners shall fix a time not more than two weeks thereafter, when the owners of the abutting property and other interested parties may be heard relative to the necessity of such improvement, as to the best method to be adopted therefor, and the character of the materials to be used, and notice of the time and place of such hearing shall be published at least one week in advance thereof in one or more daily newspapers of general circulation in Hamilton county.

SECTION 3. If, upon the hearing, the said commissioners shall be satisfied that such an improvement is a public necessity, and would subserve the general interests of the property owners abutting thereon, then forthwith the said board shall proceed to widen the said Montgomery road to the full uniform width of 80 feet from Duck creek road in Mill-creek township to Mound avenue in Columbia township; and the county commissioners shall establish the grade from the Duck creek road, and shall at once condemn and appropriate all private property necessary for this purpose, and shall proceed in their name in one action to ascertain and adjust the compensation to be paid the owners, including all damages claimed under and in accordance with the law providing for the appropriation of private property for street purposes and adjustment of damages by municipal corporations, and plats showing the property condemned and the grade established by the engineer shall be filed with the petition in this action; and when the value of the said private property and the amount of damages, if any, have been fixed by the jury and by the final decree of the court, the said board of county commissioners shall accept and take the same at the assessed values, and shall proceed forthwith to sell sufficient of the bonds hereinafter provided for that purpose, and with the fund thus realized pay the amount of the said compensation and damages assessed by the jury, and the costs and expenses, and shall thereupon be deemed in possession. The said commissioners are authorized to employ counsel to assist the county solicitor in the examination of titles, and in the preparation and

prosecution of the said condemnation proceedings. After the determination of the said suits, all claims for damages of any kind or description shall be barred as to all parties to the action.

**SECTION 4.** The said commissioners, immediately after the title for widening has been acquired and the damages ascertained, as provided in the preceding section, shall estimate separately the costs and expenses of improving the said Montgomery road.

*First.* By grading and laying asphaltum, brick or other material, in the driveway as shall be adopted by the board of county commissioners, 60 feet wide from the Duck creek road to Harris avenue in Columbia township, including the necessary bridges, culverts and retaining walls, all to be in accordance with plans and specifications therefor, to be prepared by the engineer and approved by the commissioners.

*Second.* By grading and macadamizing the same and constructing the necessary culverts, flagging and drains from Harris avenue to Mound avenue, according to the plans and specifications therefor; and the commissioners shall make their estimates upon the said sections of the Montgomery road as above set forth, for the kind of improvement adopted, separately, including all expenses incurred in connection therewith. When the plans and specifications, and the respective estimates, as required by this section, are completed and filed, the county commissioners shall at once advertise for bids for twenty consecutive days in one or more newspapers of general circulation in Hamilton county for the improvements upon each part of said road, as herein provided, and may, if deemed advisable, divide said parts of said road for the kind of improvement adopted by the commissioners into several sections, and the said improvement, according to character, for the purpose of construction, and may advertise and let a separate contract for each section or kind of work; and the said commissioners shall award the contract, or contracts, as the case may be, to the lowest and best bidder for each contract.

**SECTION 5.** For the purpose of raising the money necessary to meet the total expense of the improvement, the commissioners of the county are hereby authorized and directed to issue and sell bonds of the county, as they may be needed; first, to pay the costs and expenses of the condemnation and damage proceedings provided for in this act; and second, to meet the contract prices of construction and all expenses incident thereto. Said bonds shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, and shall not be sold at less than their par value, and they shall become due in instalments, or at intervals not exceeding in all the period of ten years, and the proceeds of the sale thereof shall be applied and used only for the purposes mentioned in this act.

**SECTION 6.** One-half the costs and expenses of widening, grading and improving said Montgomery road, including the value of the land and damages as fixed by jury, and the interest on bonds issued in anticipation of the unpaid assessments, if any, from the Duck creek road to Harris avenue, shall be assessed by the abutting foot upon the lots and property bounding and abutting upon said improvement between these two designated points, lands in bulk to be assessed to the average depth of lots along the line of the improvement, the costs of intersections to be included in making up the total estimate and assessment; one-half of the cost and expenses of widening, grading, macadam-

izing and improving said roadway and curbs from Harris avenue to Mound avenue, including interest on bonds issued in anticipation of the unpaid assessments, if any, shall be assessed on both sides by the abutting foot upon the lots and lands bounding and abutting thereon. lands in bulk to be assessed to the average depth of lots along the line of the improvement, intersections to be included in making up the total estimate and assessments; and the remaining one-half of the entire cost and expense of widening and improving the said Montgomery road, in the manner herein directed, shall be paid by the county of Hamilton. Each and every one of said special assessments shall be paid in ten annual instalments, if deferred; but any property holder shall have the privilege of paying any or all of his assessments in cash, without interest, within fifteen days after publication of a notice in a newspaper of general circulation in the county. After the expiration of said fifteen days, all unpaid assessments, with interest computed and added, shall be placed upon the tax duplicate for collection against the lands assessed, and collected in the same manner as other taxes.

SECTION 7. The said county commissioners of Hamilton county, in addition to their other powers of taxation, are hereby authorized to collect in the grand levy of taxes, on all the taxable property of said county on the duplicate for the year 1894, a tax of not exceeding one-ninth of a mill on a dollar; and for the following nine years, a tax each and every year of not exceeding one-ninth of a mill on the dollar; the fund so raised to be applied, with the money obtained by said special assessments, to the payment of the bonds and interest, issued pursuant to the directions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 16, 1894.  
141L

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[House Bill No. 196.]

## AN ACT

To create a special school district in Stow and Tallmadge townships, Summit county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Stow and Tallmadge townships, Summit county, Ohio, to be known as the Munroe Falls special school district, to wit: Beginning at the southwest corner of Geo. North's land in Stow township on the north bank of the Cuyahoga river, thence north along the western boundary of said land to the river road, thence north along the western boundary of Charles McColgan's land, to the north line of lot 17, thence west along the north line of lot 17, to the northwest corner of said lot, thence south along the west line of lot 17, to the south-east corner of 45 acres (formerly owned by H. B. Gaylord). Said 45 acres

being the north part of 95 acres lot 16 north as now described, owned by E. G. Rattle ), thence west along the south boundary of said 45 acres, to the road leading from Stow Corners, to Munroe Falls, thence west along the south boundary of thirty-six acres (in lot 15, northeast corner), to the southwest corner of said 36 acres, thence north along the western boundary of said land, to the north line of lot 15, thence west along the north line of lot 15, to the northwest corner of said lot, thence south, along the west line of lot 15, to the southwest corner of said lot; thence west along the north line of lots 4 and 3 to the township line of Stow and Cuyahoga Falls thence south along the township line to the northwest corner of Tallmadge thence east along the township line of Stow and Tallmadge to J. Young's land, thence south along the west boundary of said J. Young's land to S. Deming's land, thence along the south boundary line of said J. Young's land to C. Guise's land, thence south along the west boundary line of said Guise's, W. J. Wise's, S. W. Harris', and R. Clayton's land to the southwest corner of said Clayton's land, thence east along the south boundary line of said land to the road leading from Munroe Falls to Tallmadge, thence north along said road to the southwest corner of J. P. Kepler's land on said road, thence east along south boundary of said land to H. Stroman's land, thence south along the west of said land to J. A. Treall's land, thence east along the south boundary of said H. Stroman's land, to the southeast corner of said land, thence north along the east boundary of said land and N. W. Taylor's land to the south bank of the Cuyahoga river.

SECTION 2. Said special school district shall be entitled to receive all the school funds that are placed to the credit of joint district number 1 of Stow and Tallmadge townships for the year commencing September 1st, 1893.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
142L

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[House Bill No. 300.]

### AN ACT

To authorize the board of education of West Bedford special school district, in Coshocton county, Ohio, to issue and sell bonds to erect a school building and furnish the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of West Bedford special school district, in Coshocton county, Ohio, be and the same are hereby authorized to issue bonds for the purpose of erecting a school-house and furnishing the same, not to exceed three thousand (\$3,000) dollars, in denominations of six hundred (\$600) dollars each, and bearing interest not to exceed six per cent. per annum, one of which to be made payable at the end of each year from date of bonds. Said bonds shall be advertised not less than ten days and sold to the highest bidder at not less than their par value. Said board of education shall levy annually, upon the taxable

property of said special school district, a tax sufficient to redeem said bonds, with interest that may accrue thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
143L

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[House Bill No. 355.]

### AN ACT

To enable the trustees of Sandy township, Stark county, to sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Sandy township, Stark county, be and are hereby empowered and authorized to sell and convey all or part, as they may deem expedient, of certain real estate, the property of said township, to wit: Part of lot number forty-three (43) of the original plat of the village of Waynesburg, Ohio, and to cover the proceeds of said sale into the township treasury to the credit of the "township building fund;" provided, that said sale shall be to the highest bidder and that notice of the same shall be posted in four separate and conspicuous places in said township for a period of not less than twenty days previous to contracting for sale as aforesaid.

SECTION 2. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
144L

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[House Bill No. 378.]

### AN ACT

To authorize the incorporated city of Bucyrus, Crawford county, Ohio, to levy an additional tax for paying interest and indebtedness of street improvements in said corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Bucyrus, Crawford county, Ohio, be and is hereby authorized to levy a tax upon all the taxable property within said corporation, not to exceed three mills (.003) for the purpose of paying existing bonded indebtedness incurred by said corporation. Said levy to be in addition to the amount said city is now authorized by law to levy. Said authority to levy said additional tax is hereby granted for a period not to exceed eight years from date of passage of this act; provided, however, that no part of the funds raised by said additional levy shall be used for any purpose other than to pay the interest and

principal of existing bonded indebtedness; nor shall any part of the levy now authorized by law be applied to the payment of the interest or principal of any indebtedness hereafter contracted, or bonds hereafter issued, unless said indebtedness is contracted and bonds are issued under the authority and in strict compliance with law.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
145L

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[House Bill No. 385.]

### AN ACT

To authorize the commissioners of Clermont county, Ohio, to issue and dispose of the bonds of said county for the purpose of providing for a deficiency in the county fund, and providing for the payment of principal and interest of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, for the purpose of providing for the payment of warrants heretofore issued by the auditor of said county against the county fund of said county, which are outstanding and unpaid, for want of money in said fund, are hereby authorized to issue the bonds of said county to such an amount as may be necessary for the purpose named, but not to exceed fifty thousand dollars (\$50,000).

SECTION 2. Said bonds shall bear interest at a rate not exceeding five per cent., payable semi-annually, and shall be issued, signed and sold according to law, and shall be in denominations of five hundred dollars each, and sold for not less than their face value; said bonds to be paid within thirty years from the date of the issue thereof, in such amounts, at such times, such place and in such manner as may be prescribed by said commissioners.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same become due and payable, the said commissioners are hereby authorized to levy, annually, on all taxable property within said county, a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
146L

[House Bill No. 490.]

## AN ACT

To relieve J. Q. Converse, late treasurer of Darby township, in Madison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That J. Q. Converse, late treasurer of Darby township, in Madison county, be and he is hereby released from any and all liability upon any and all judgments and decrees heretofore rendered against the said J. Q. Converse on his official bond as treasurer of Darby township, in Madison county.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 16, 1894.

147L

[House Bill No. 510.]

## AN ACT

To authorize the trustees of Saybrook township, Ashtabula county, Ohio, to pay to Almon J. Walton, \$129.73.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Saybrook township, Ashtabula county, Ohio, be and they are hereby authorized to pay to Almon J. Walton one hundred and twenty-nine dollars and seventy-three cents, balance of his bill for building town house in said township.

SECTION 2. To provide for the payment of the said balance, the said trustees are hereby authorized to levy a tax on all the taxable property of said township (in addition to the levy now authorized by law) in amount sufficient to discharge the said balance.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 16, 1894.

148L

[House Bill No. 536.]

## AN ACT

To authorize the county commissioners of Delaware county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor and county commissioners of Delaware county, Ohio, be and they are hereby authorized to transfer two thousand dollars from the dog fund of said county to the building fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
149L

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[House Bill No. 550.]

### AN ACT

To authorize the trustees of Oregon township, Lucas county, Ohio, to transfer funds,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Oregon township, Lucas county, Ohio, be and they are hereby authorized to transfer any balance remaining in the building fund when their town hall is completed and furnished, to the cemetery fund, and four hundred dollars from the road fund to the general fund of said township.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
150L

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[House Bill No. 569.]

### AN ACT

To authorize the commissioners of Lake county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Lake county, Ohio, are hereby authorized to transfer fifteen hundred (\$1,500) dollars from the building fund to the poor fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 16, 1894.  
151L



[House Bill No. 593.]

## AN ACT

To change the name of Benjamin Francis Bricker, of Jefferson county, to Benjamin Francis Lewis.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Benjamin Francis Bricker, a resident of Jefferson county, Ohio, be and the same is hereby changed to Benjamin Francis Lewis.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 16, 1894.

152L

[House Bill No. 582.]

## AN ACT

To authorize the council of the village of Yellow Springs, Greene county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Yellow Springs, Greene county, Ohio, be and are hereby authorized to transfer the sum of (\$350) three hundred and fifty dollars from the police fund of said village to the town hall fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 19, 1894.

153L

[House Bill No. 612.]

## AN ACT

To authorize the village of Beverly, Washington county, to transfer funds

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Beverly, Washington county, be, and is hereby authorized to transfer the sum of nine hundred (\$900) dollars from the building fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 19, 1894.  
 154L

[Senate Bill No. 167.]

## AN ACT

To issue bonds for municipal expenses, and to modify and limit the operations of sections 1123, 2685, 2700 and 2926*k*.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That cities of the third grade *b* of the second class be and they are hereby authorized and empowered to issue bonds to the amount of eighty thousand dollars, for the purpose of providing the necessary means to pay the running expenses of the municipal government; and they are hereby prohibited from receiving advances on taxes, as provided in section 1123, and of borrowing money or issuing bonds in anticipation of the collection of any regular annual levy.

SECTION 2. That for the purpose of raising funds with which to pay the necessary expenses of the municipal government for a period of six months, to prohibit the anticipation of taxes in the future, and to prevent the obtaining of advances from the county treasurer before the semi-annual settlements, the city council of said cities are hereby authorized and empowered to issue the bonds of such cities in an amount not exceeding eighty thousand dollars. Said bonds shall be issued at such time as the council of any such city may determine. Council shall issue said bonds in conformity with section 2706 of the Revised Statutes of Ohio, and sell said bonds under the provisions of section 2709 of the Revised Statutes, and all other laws in such cases made and provided. Said bonds, with interest-bearing coupons attached, shall be issued in denominations of not less than five hundred nor more than one thousand dollars, and shall bear a rate of interest not exceeding five per cent. per annum, interest payable semi-annually, and the principal and interest payable at the city treasurer's office of said city, bonds to be redeemable at any time within twenty years from the date of issue, said bonds to be known and designated as "sinking fund bonds A."

SECTION 3. When said bonds are sold the proceeds thereof shall be distributed to the various funds of such city, as follows: To the general expense fund, thirteen thousand dollars; to the fire department fund, ten thousand dollars; to the street fund, fifteen thousand dollars; to the light fund, ten thousand dollars; to the police fund, ten thousand dollars; to the library fund, one thousand dollars; to the contingent fund, one thousand dollars; to the water-works sinking fund, ten thousand dollars; to the sinking fund, ten thousand dollars, together with the premium and accrued interest, if any. When said amount shall have been placed to the credit of said funds, it shall be used only for the actual and necessary expense and salaries usually paid out of said funds, and shall not be diverted or used for contracts or improvements beyond those

usual and incidental to the particular departments to which these funds are applicable.

SECTION 4. On and after the passage of this act it shall be unlawful for any city of the third grade *b* of the second class to demand or receive any advance payments of taxes, as provided for in section 1123 of the Revised Statutes of Ohio; and said section 1123, in so far as it is in conflict with the provisions of this act, is hereby repealed.

SECTION 5. That on and after the passage of this act it shall be unlawful for any city of the third grade *b* of the second class to make any loan in anticipation of the "general revenue fund," as provided in section 2700, or for "sanitary or street cleaning purposes," as provided in section 2685, or to issue any bonds in anticipation of a tax, provided for in sections 2683, 2685 and 2700; and said sections 2683, 2685 and 2700, in so far as they are in conflict with this act, are hereby repealed. But nothing in this act shall be construed to prevent the municipalities from borrowing money in anticipation of the collection of any special assessment for any improvement authorized in fourth chapter of the seventh division of title twelve of the Revised Statutes, or from issuing bonds, under section 2701 of the Revised Statutes of Ohio.

SECTION 6. That the word "bond" or "bonds," as used in this act, includes loans and certificates of indebtedness; and the word "loan" or "loans" include bonds and certificates of indebtedness.

SECTION 7. That after the passage of this act it shall be unlawful for any city of the third grade *b* of the second class to issue any bonds whatsoever, except those provided for in this act, and hereinafter provided for, without first complying with section 2837 of the Revised Statutes, as amended April 21, 1893.

SECTION 8. That in cases of epidemic, or when, in the opinion of the board of health of any such city, it is deemed necessary and expedient for the public health, and for the preservation of life, and when there are not sufficient funds available with which to put the city in a good sanitary condition, the council of any such city is hereby authorized and empowered to issue the bonds of said city in any amount deemed necessary, and to sell them at private sale, if the case is urgent; but in no case shall they be sold for less than their par value; provided, however, before any bonds are issued, as authorized in this section, the board of health shall make a written request of the council, stating its reasons for asking the issue of bonds, and the amount necessary, and said request, before being presented to said council, shall receive the written indorsement of the state board of health that said request is necessary and ought to be granted.

SECTION 9. That city councils of cities of the third grade *b* of the second class, when bonds are issued under the provisions of this act, shall levy annually upon all the taxable property in such cities, a tax sufficient in rate and amount to pay the accruing interest on said bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be in addition to all other taxes authorized to be levied for any and all purposes in said cities. And the officer having charge of the public funds of said city shall, at the semi-annual settlement between the city and county treasury, take from each fund enumerated in section 3 of this act, five per cent. of the taxes collected, and place to the credit of the said "sinking fund A" to be used in paying the interest on said bonds and the principal when it becomes due.

SECTION 10. That when a special election is held to vote upon the issue of bonds, there shall be but one voting precinct in each ward, which precinct shall be centrally located and designated by the board of elections of said city, which shall give not less than ten days' notice in each of the daily newspapers in said city, notifying the electors of the place of holding the election, and that there will be but one voting precinct opened in each ward, and that certificates of removal will not be required, except where transfers are necessary from one ward to another ward. That the board of elections of said city, at special elections for voting upon the issue of bonds, shall, and is hereby authorized and empowered to issue all "removal certificates" required to be issued by the registrars under section 2926*k*, except from one precinct to another in the same ward, which under this section shall not be required at said special election; and perform all the duties required of the registrars incident thereto, and said section 2926*k*, in so far as it is inconsistent with this act, is hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
 155L

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[Senate Bill No. 199.]

### AN ACT

To authorize the trustees of Marseilles township, Wyandot county, Ohio, to issue bonds and levy a tax to purchase a site and erect a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the trustees of Marseilles township, Wyandot county, Ohio, be and they are hereby authorized to issue bonds of said township in any sum not exceeding fifteen hundred dollars, for the purpose of purchasing a site and erecting thereon a town hall within and for said township; provided, that said town hall shall be erected within the corporate limits of the incorporated village of Marseilles in said township. Said bonds shall be of such denominations not exceeding five hundred dollars, payable at such times not exceeding five years, and at such rate of interest not exceeding six per cent. per annum, as said trustees may direct, and shall be sold at not less than their par value.

SECTION 2. For the purpose of paying said bonds and the interest thereon as the same may become due, said trustees are hereby authorized to levy annually a sufficient tax upon all the property of said township in addition to other taxes authorized by law; provided, that before said trustees shall issue said bonds and levy said tax, the proposition shall be submitted to the qualified voters of said township at the spring election of 1894, at least five days' notice being given of such election. The election shall be held at the usual place of holding elections in said township, and all electors favoring said proposition shall have written or printed on their ballots "Issue of bonds to purchase site and erect town hall—Yes;" and those opposed shall have written or printed on their

ballots "Issue of bonds to purchase site and erect town hall—No;" and if a majority of the electors voting at said election are in favor of said proposition, then said trustees shall have authority to issue said bonds and levy said tax, and not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
156L,

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[Senate Bill No. 218.]

### AN ACT

To authorize the board of education of Marseilles township, Wyandot county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Marseilles township, Wyandot county, Ohio, be and the same are hereby authorized to transfer four hundred (\$400) dollars from the building fund to the contingent fund.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
157L,

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[Senate Bill No. 241.]

### AN ACT

To provide an official stenographer for certain counties therein named.

[HURON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population of not less than 31,940 and not more than 31,960 by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas of said county, or a judge thereof in vacation, may appoint one official stenographer for such county, who shall hold such office for a term of three years from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office, and shall receive a salary of \$600 per annum to be paid in equal monthly instalments, out of the general fund of said county upon the warrant of the county auditor of such county, who shall issue his warrants therefor on the treasury for the payment of said salary when there is filed in his office a certified copy of the journal entry of such appointment. It shall be the duty of said stenogra-

pher, unless the same be waived by the parties and the court to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in course of the trial or hearing and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct. In all cases or proceedings held or tried in the circuit, common pleas and probate courts such stenographic notes to be the property of the county and filed and preserved in the office of such stenographer, and the court shall not be required to reduce to writing its charge to the jury in any case in which such notes shall be taken of the charge, when a transcript in longhand shall be made out, and may be taken by the jury in their retirement and returned with their verdict into court. It shall be also the duty of such stenographer to make or cause to be made, at the request of either party or his attorney, or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, to be paid for forthwith by the party ordering the same, but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be first ordered by the judge trying the case, for his own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case the bill therefor shall be approved by the court before whom said case was heard or tried. Such stenographer shall without extra compensation also take down from the dictation of the court such shorthand notes as may be required by the court in preparing opinions or charges to juries.

SECTION 2. Such stenographer shall receive for making any such transcripts of said notes into longhand six cents per folio of one hundred words, except when more than one such transcript shall be ordered at the same time, the fee for any such additional transcript shall be one-half the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them, and in every case where such stenographic notes are taken there shall be taxed for each day's service of said stenographer in so taking said notes a fee of \$3 to be collected as other costs in the case, and when so collected shall be paid quarterly into the county treasury by the clerk of such court.

SECTION 3. The commissioners shall provide the necessary stationery for the use of said stenographer, and such stenographer shall also have power to take and certify depositions in any of the courts of said state, and take and certify depositions in any other county in actions pending in said counties, and may be appointed a referee to take and report evidence in cases pending in any of the courts of this state, and in taking such depositions or evidence shall have the same powers and shall receive the same fees for services as other officers authorized to take depositions in this state.

SECTION 4. This act shall take effect, and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
 158L

## AN ACT

To authorize the commissioners of Hamilton county to levy a tax to erect a bridge and culverts on the Morgan road in Whitewater township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to levy a tax on all the taxable property of said county, in addition to that now authorized by law for bridge purposes, for the year 1894, at such rate as will raise the sum of three thousand dollars (\$3,000), said tax to be used in constructing a bridge with the necessary approaches thereto across the creek Dry Fork of Whitewater in said county, at a point where the Morgan road crosses said creek, as laid out by the said county commissioners in Whitewater township, Hamilton county; also all necessary culverts on said road.

SECTION 2. The money arising from said additional tax shall be expended by and under the direction of the board of county commissioners of Hamilton county for the purpose of constructing said bridge and the approaches thereto, and for the purpose of constructing necessary culverts along said road; no portion of said money shall be transferred to any other fund or be diverted from the object of improving said road.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 20, 1894.

159L

## AN ACT

To authorize the board of education of the township of Perry, Lawrence county, Ohio, to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the members of the board of education of Perry township, in Lawrence county, Ohio, be and they are hereby authorized to levy, in addition to the amount now allowed by law, a tax of not to exceed one (1) mill on the dollar of all taxable property of said township, for the purpose of relieving present embarrassment caused by enlarging the school-house at Forest Dale, and the additional levy may continue only until the indebtedness of said township is liquidated.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 20, 1894.

160L

## AN ACT

To authorize the board of education of the village school district of Germantown, Montgomery county, Ohio, to erect a public library building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of Germantown, Montgomery county, Ohio, be and is hereby authorized and empowered to erect a public library building, which shall be under the control and management of said board of education.

SECTION 2. For the purpose of providing the funds with which to pay for said public library building, the board of education of said village school district is hereby authorized and empowered to issue the bonds of said village school district, in such denominations and in such amounts as it may deem necessary to complete said public library building, not however, in the aggregate, to exceed the sum of six thousand dollars (\$6,000), for the full completion of said library building; and provided further, that said bonds shall not bear a greater rate of interest than six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value.

SECTION 3. The board of education of said village school district is authorized to levy a tax on the taxable property of said village school district, in addition to that now authorized by law, sufficient to pay the interest on said bonds and pay the principal thereof as the same becomes due, the same to be levied and collected as taxes for general purposes.

SECTION 4. Any amount repaid or refunded to said village school district by Jacob S. Antrim, his executors or administrators, in lieu of the amount expended by said board of education in the erection of said public library building, shall constitute and be held as a perpetual fund for the benefit of said public library, and shall be controlled, managed and invested by the board of education of said village school district, and the interest or proceeds derived from the loaning or investing of the same shall be expended by said board of education for the care, maintenance and support of said public library, and under no circumstances whatever shall said perpetual fund, or any part thereof, be expended for any purpose whatever, but the same shall ever be held in trust for the uses and purposes hereinbefore designated.

SECTION 5. Before said bonds shall be issued or tax levied the question of issuing said bonds and the levying a tax therefor shall be submitted to a vote of the qualified electors of said village school district, at a general election, or at a special election called for that purpose by the board of education of said village school district. Notice of such election shall be given by publication in a newspaper of general circulation in said village school district at least ten days before such election; said notice shall state the time and place for holding such election, and all electors favoring said proposition shall have written or printed on their ballots, "For the issue of bonds to erect a public library building—Yes," and those opposed, "For the issue of bonds to erect a public library building—No," and should a majority of the electors voting upon such proposition vote "yes," then said board of education may issue and sell said bonds and erect a public library building, as provided in this act.



SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
161L

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[House Bill No. 604.]

### AN ACT

To change the names of Claude Theodore Fulwiler and Frederick Joahan Fulwiler.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the names of Claude Theodore Fulwiler and Frederick Joahan Fulwiler, residents of Montgomery county, Ohio, be and the same are hereby changed so as to read respectively as follows, to wit: Claude Theodore Johnson and Frederick Joahan Johnson.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the persons herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
162L

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[House Bill No. 614]

### AN ACT

To create a board of control to take charge of and control of the cemetery and town hall real estate and furnishings therein located in the first precinct, of Poland township, Mahoning county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is created a board of control, consisting of three electors, residents within such precinct, to take charge of and control the cemetery, town hall and all appurtenances thereto in the first or Lowellville precinct, of Poland township, Mahoning county, Ohio; that said board of control shall be elected by the electors of said first precinct, at the first regular election, occurring after the passage of this act and shall hold their office for the term of one, two and three years respectively, but the term of office of their successors shall each be three years. That as soon as said board of control shall have been elected as aforesaid, one for the term of one year, one for the term of two years and one for the term of three years, they shall assume control of said cemetery and town hall and the township trustees of Poland township, Mahoning county, are hereby authorized and required to deliver to said board of control, the possession of all moneys and prop-

erty belonging to said cemetery and town hall, and thereafter said trustees shall remain discharged from any further obligations pertaining to the control of the same. The board of control when elected in pursuance with the provisions of this act shall organize by electing a president, a secretary and a managing director, the latter of whom shall receive and hold all moneys coming into the hands of such board. Before entering upon the discharge of his duties the managing director shall give bond with sureties to be approved by the president and secretary of such board of control, payable to them as such officer in such sum as they may determine, and conditioned for the faithful performance of his duties and the paying over according to law upon the order of the board, of all moneys that may come into his hands by virtue of his office, and the said board of control shall otherwise be governed by the same laws governing township trustees in the care and management of cemeteries and township property so far as practicable.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 20, 1894.  
163L

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[House Bill No. 332.]

### AN ACT

To authorize the township trustees of certain townships in the state of Ohio to purchase material and improve roads.

[TOWNSHIPS IN HENRY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a majority of the resident landowners of any township in any county in the state of Ohio, which at the last federal census had, or which at any subsequent federal census may have a population of not more than twenty-five thousand one hundred nor less than twenty-five thousand and fifty, shall petition the trustees of their township to purchase material and improve a certain road or roads within their township, the trustees shall proceed at once to view said road or roads and if in their judgment the improvement or any part thereof be necessary and practicable, they shall ascertain whether the material for making the improvement can be secured within a reasonable distance and at a reasonable price.

SECTION 2. If after making the view and ascertaining the practicability of securing the necessary material and the price of the same, the trustees shall decide to make said improvement or any part thereof, they shall proceed as follows: They shall first decide what kind of material they will use and the amount needed to make the improvement and shall proceed to purchase the same either by private contract or by advertising for bids, as they may deem best. For the purpose of paying for the material and for loading the same on wagons and for superintending the placing of it upon the roads, the township trustees

and their successors in office are hereby authorized to levy annually, upon all the taxable property of the township a tax not to exceed in any one year two mills upon each dollar of the valuation, in addition to the taxes now authorized by law; and to anticipate the money to be raised by such levy, the trustees are hereby authorized and empowered to issue and sell the bonds of their township in such amount as shall be necessary to pay for the material and for loading the same on wagons and for superintending the placing of the same upon the road. Said bonds shall not be sold for less than their par value and shall bear interest at a rate not to exceed six per cent. per annum, payable annually, at the office of the township treasurer; the proceeds arising from the sale of said bonds and of the taxes herein authorized, shall be placed in the township treasury, to be paid out upon the warrant of the township clerk for the purposes hereinbefore specified.

SECTION 3. The trustees shall, after purchasing the necessary material, make a careful estimate of the whole number of cubic yards of material required to make the improvement, or so much thereof as they shall decide to make, and shall proceed to apportion the hauling of the same to all the lot and landowners of the township equally, in proportion to the number of acres of land owned by each such owner or owners, specifying when such hauling shall be done and the amount to be done each year; but the amount of hauling that may be required of any such owner or owners to be hauled in any one year shall not exceed one day's hauling for each and every  $1\frac{1}{2}$  acres of land owned. Said hauling shall be done annually between 20th day of May and the 20th day of June, and between the 15th day of September and the 1st day of November.

SECTION 4. After having apportioned the hauling of the materials as provided for in section 3, the township clerk shall furnish each person having hauling apportioned to him, a statement of the number of days' hauling apportioned to him and the estimated value of the same, also the time when said hauling or any part of the same shall be completed or its equivalent paid in cash. Whenever the hauling apportioned to any person or any part thereof is not completed or its equivalent paid in money on or before the time fixed by the trustees each year, the same shall be certified to the county auditor, together with a penalty of five per cent., and shall be placed upon the duplicate, collected as other taxes, and placed in the township treasury to be expended in completing that portion of such labor so apportioned to such owner or owners.

SECTION 5. The township trustees shall appoint some competent person a freeholder in their township, to be known as superintendent of road improvements, who before entering upon the discharge of his duties shall give a bond in the sum of five hundred dollars payable to the township trustees, conditioned upon the faithful discharge of his duties. Said bond shall be signed by himself and one or more sureties subject to the approval of the township trustees and whose duty it shall be to keep a correct account of the amount of material each person hauls and to direct the placing of said material upon the road according to the directions of the trustees. Such superintendent shall be paid not to exceed two dollars per day for the time actually employed. He shall make a report to the trustees, at the close of each season's work, stating correctly what persons completed the work apportioned them or any part thereof, and also the amount of work that any such person failed to perform. The superintendent shall employ such number of laborers as shall be actually

necessary to load the material upon wagons; such laborers shall be paid not to exceed one dollar and thirty-five cents per day while actually engaged in loading material; the superintendent shall designate one of the laborers to act as foreman whose duty it shall be to keep a correct account of the number of days that each laborer is engaged and shall report the same to the township trustees.

SECTION 6. It shall be the duty of the township clerk to make a record of all the proceedings of the township trustees under this act, together with a plot showing the termini, direction, length and width of the improvement and the depth of the material.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.  
164L

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[House Bill No. 463.]

### AN ACT

To provide for the possession and control of Huntersville cemetery in Cessna township, Hardin county, Ohio.

WHEREAS, About the year 1851 the owner of certain land in Cessna township, Hardin county, Ohio, conveyed the same to three trustees, to be used for cemetery purposes, and said land has been so used ever since, and is now known as the Huntersville cemetery; and

WHEREAS, No provision was made in the deed transferring said land for said purpose for any successors to said trustees, who are now all dead, and the title, right of possession and control of said cemetery grounds, by virtue of section 1473 of the Revised Statutes of Ohio, have vested in the trustees of said Cessna township; and

WHEREAS, It became necessary to have additional lands adjoining said cemetery grounds for burial purposes, and there has been incorporated and organized under the laws of the state of Ohio, a cemetery association known as the northeast Huntersville cemetery association, which association has become the owner of about one and one-half acres of land adjoining the said Huntersville cemetery, and it is desirable that the right of possession and control of the said Huntersville cemetery be in the said the northeast Huntersville cemetery association; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the right of possession and control of said Huntersville cemetery grounds, and the appurtenances thereto belonging, be transferred from the trustees of Cessna township, Hardin county, Ohio, to, and vest in the northeast Huntersville cemetery association.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.  
165L

[House Bill No. 554.]

## AN ACT

To release Jonas Shaver and William Mitchell, sureties on the school bond of Israel A. Marshall, late treasurer of Blue Rock township, Muskingum county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Blue Rock township, Muskingum county, Ohio, be and it is hereby authorized and empowered to fully release and discharge Jonas Shaver and William Mitchell, sureties on the official bond of Israel A. Marshall, late treasurer of said township, from the payment of the sum of six hundred and thirteen dollars and eighty-eight cents (\$613.88), and interest from April 1, 1891, belonging to the school funds of said township.

SECTION 2. Provided, that the said board of education of said township shall, after five days' notice given by printed notices posted in five public places in said township, submit to the qualified electors of said township, at the April election, 1894, said proposition to release said Jonas Shaver and William Mitchell, as aforesaid; and provided further, that a majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Said proposition to release shall be voted upon by separate ballots, in a separate ballot-box; and those voting in favor of such proposition to release shall have written or printed upon the tickets voted by them, "Release of treasurer's securities—Yes;" and those opposed, "Release of treasurer's securities—No."

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 21, 1894.  
166L

[House Bill No. 555.]

## AN ACT

To reimburse Nathan L. Smith, of Blue Rock township, Muskingum county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Blue Rock township, Muskingum county, Ohio, be and they are hereby authorized and empowered to pay to Nathan L. Smith, out of the township funds of said township, the sum of two hundred and seventy-one and twenty-eight hundredths (\$271.28) dollars.

SECTION 2. Provided, that the said trustees shall, after five days' notice given by printed notices posted in five public places in said township, submit to the qualified electors of said township, at the April election, 1894, said proposition to reimburse said Nathan L. Smith, as aforesaid; and provided further, that a majority of the electors voting upon such proposition shall declare in favor of such reimbursement.

SECTION 3. Said proposition to reimburse shall be voted upon by separate ballots, in a separate ballot-box; and those voting in favor of said

proposition to reimburse shall have written or printed upon the tickets voted by them, "Reimburse Nathan L. Smith—Yes;" and those opposed to said proposition shall have written or printed upon their tickets, "Reimburse said Nathan L. Smith—No."

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. MCCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.  
1671,

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[House Bill No. 561.]

## AN ACT

To provide for the improvement of public roads in any county which at the last federal census had, or any succeeding census may have, a population of not less than twenty-nine thousand and fifty and not more than twenty-nine thousand and eight hundred.

[VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* Whenever a majority of all the landowners who own land lying within the bounds of any election precinct in any county of this state which at the last federal census had, or which at any subsequent federal census shall have, a population of not less than twenty-nine thousand and fifty and not more than twenty-nine thousand and eight hundred, and who at the time are residents of such county, shall present a petition to the board of county commissioners of such county at any regular, adjourned, or special session, asking for the macadamizing, or graveling of public roads within the bounds of such precinct according to the provisions of this act, and stating therein that they desire such county commissioners to levy an extra tax, not exceeding twenty mills on the dollar valuation in any year, on all the taxable real and personal property within the bounds of such precinct, and stating the total cost of macadamizing or graveling such roads in any sum not exceeding forty thousand dollars, and also the number of years they desire such levy to continue, not exceeding twenty-five years, such county commissioners, if they find the same necessary and that it will be conducive to the public convenience or welfare, shall provide for the macadamizing or graveling of public roads in such precinct in accordance with the provisions of this act; provided that such petitioners shall satisfy such county commissioners that public notice of the intended presentation of such petition has been given by advertisement in some newspaper of general circulation in such county and in such precinct for at least one week preceding the hearing thereof.

SECTION 2. Such county commissioners, upon being satisfied that such petition is regular and that proper notice has been given, shall appoint three judicious freeholders of such precinct to be road commissioners who by the name fixed by such county commissioners shall be a body corporate with the powers and duties hereinafter specified. Said petition, the finding thereon by such county commissioners, the appoint-

ment of such road commissioners, and all other proceedings of such county commissioners under this act, shall be entered upon the minutes of the proceedings of such board of county commissioners by the county auditor of such county. Such board of county commissioners may remove any of such road commissioners whenever he removes from such precinct, is incompetent, or neglects to perform the duties required of him by this act; and in case of the death, removal, or resignation of any such road commissioner, such county commissioners shall at once fill such vacancy by the appointment of some other judicious freeholder of such precinct.

SECTION 3. Said road commissioners shall severally execute a bond payable to the state for the use of the county in which they are appointed, with good and sufficient sureties to be approved by the board of county commissioners of such county, and in such sum as said board deem proper, conditioned for the faithful performance of their duties as such road commissioners; they shall take an oath faithfully to discharge their duties; said road commissioners after the acceptance of said bonds, and the taking of said oath shall immediately meet and organize by choosing one of their number as president and one as clerk thereof.

SECTION 4. Said road commissioners may appoint superintendents, engineers, and such other agents as they may deem necessary to assist them in the discharge of their duties; a majority shall be a quorum, and shall have power to transact any business and exercise any power, devolving upon or intrusted to them by this act; and the clerk thereof shall keep a record of their proceedings which shall at all times be open for inspection; they may make contracts for macadamizing, or graveling, public roads in such precinct, and for keeping the same in repair as provided for by this act; they may purchase and procure all necessary implements and fixtures and may contract for and purchase all material that may be necessary for their construction and repair, or for macadamizing or graveling the same; and they shall superintend the macadamizing or graveling of such roads and shall see that proper materials are used and the work faithfully performed; they shall issue orders on the county treasurer for the payment of all money to be paid for all purposes provided for by this act, except in cases hereinafter specified.

SECTION 5. Such road commissioners and their successors shall be a body corporate under such name as the county commissioners may designate; they shall prosecute for all obstruction to such public roads, or for injuries done to the same, or to bridges or culverts thereon; the amount recovered in each case shall be the amount of damages actually found by the court or jury and the interest thereon; and in all cases said road commissioners shall have a right to sue either before a justice of the peace or in the court of common pleas of the county as in other cases, and the amount so collected in each case shall be used for the benefit of such public roads and be paid into the county treasury subject to the order of such road commissioners.

SECTION 6. Said road commissioners shall, within a reasonable time after organizing, determine which roads in such precinct are to be macadamized or graveled, and shall determine how many miles of public road shall be macadamized or graveled each year for a period not exceeding five years. They shall examine such roads and ascertain if the proposed roads are sufficiently drained and graded; and, if such be not the case, they may take to their assistance a competent surveyor, or engineer, to make

a survey and level of the roads so selected to fix the grade of the roads and the grading and capacity of the drains on the sides thereof. Said road commissioners shall fix the width of the graveled or macadamized track at not less than nine feet nor more than sixteen feet, and the depth thereof not less than eight inches nor more than twelve inches in the center, and the slope from the center to the sides. Said road commissioners, as soon thereafter as the same can be done, shall return to the board of county commissioners a map and profile of such roads to be macadamized or graveled, together with a statement of the probable cost of macadamizing or graveled such roads, and a statement of the number of miles to be macadamized or graveled each year with the probable cost each year.

SECTION 7. Said road commissioners are authorized to issue bonds payable at the county treasury in any sum not exceeding forty thousand dollars and not exceeding the amount stated in the petition of land-owners, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, for the purpose of providing a fund to pay the costs and expenses of macadamizing or graveled and repairing such public roads, selected as hereinbefore stated; said bonds shall not be sold for less than par and shall be registered by the county auditor previous to their issue in a book kept by him for that purpose; such registry shall show the number of each bond issued, the amount for which issued, the rate of interest which it bears, and when the same is payable. Said bonds shall be signed by said road commissioners and attested by the county auditor. Said bonds shall be issued and sold from time to time in such amount as may be required according to said estimate of probable cost, less whatever amount that shall be paid by the county commissioners. The principal of any bond shall not be due and payable for a less period than five years from the date of issue, and such bonds issued and sold at any one time shall be payable in twenty equal annual instalments for a period ending at a time not exceeding twenty-five years from date of issue. Whenever bonds are so sold by such road commissioners, they shall immediately report their proceedings on such issue and sale to the board of county commissioners.

SECTION 8. Such board of county commissioners, when such issue and sale of bonds are so reported, shall immediately direct the county auditor of such county to levy upon the grand duplicate of the county extra taxes in such amount and to be divided in such manner as to meet the payment of the principal and interest of the bonds as they become due; the said auditor shall at once enter the same upon the duplicate for collection, as above set forth, on all lands and taxable property within such precinct in the same manner and subject to the same penalties and forfeitures as other taxes are entered for the purpose of collection; and the funds realized from such levy shall be used by the county treasurer and county auditor for the redemption of such bonds and interest. The funds realized from the sale of said bonds shall be placed in the county treasury to be paid out by the county treasurer upon the order of such road commissioners, for the uses and purposes provided for by this act and none other.

SECTION 9. So much of the taxes annually levied for road purposes by the trustees of the township which may be collected within the bounds of any such precinct, including the two days' labor authorized by law, shall be applied in the macadamizing and repair of the public roads of



such precinct under the directions of such road commissioners; and the county treasurer shall pay out such taxes on their order. So much of the taxes which are not discharged in labor and which are paid into the county treasury, shall be paid by the county treasurer upon the order of the road commissioners to be expended by them in repairing and improving the public roads in such precinct. Persons who are required by law to perform two days' labor on public roads in such precinct may in lieu thereof pay such road commissioners the sum of three dollars. After such public roads are macadamized or graveled and accepted by the county commissioners it shall be the duty of the assessor of such precinct to keep the public roads in such precinct in repair and the taxes and funds above mentioned, together with the two days' labor, shall then be applied under his direction, and be subject to his order; and for such services he shall receive out of such funds one dollar and fifty cents for each day employed.

SECTION 10. Such road commissioners may issue certificates to persons owing extra taxes herein provided for, for labor performed or materials furnished in the macadamizing or graveled of such roads in the discharge of the same, and such certificates shall be receivable by the county treasurer in payment of such extra tax; and such certificates shall specify the amount of tax so paid and shall in no case exceed the amount of extra tax charged against such person upon the duplicate of the county.

SECTION 11. The contracts for material and the contracts for labor shall be let separately upon public notice of the time and place of such levy being given in a newspaper of general circulation in such precinct for at least two weeks, specifying the kind and quality of material and the road or roads for which the same is to be used. All contracts are to be let to the lowest responsible bidder who shall give bond to the acceptance of the road commissioners. The bids for the material and for the labor shall be separately taken and the road commissioners may reject any or all bids. The road commissioners shall accept the work when completed according to the provisions of said contracts.

SECTION 12. The road commissioners shall annually on the first Monday in December make a full settlement with the county commissioners and shall file with them a statement of all their receipts and expenditures. Should such road commissioners fail to make such settlement the county commissioners shall cause an action to be instituted in the court of common pleas of the county against them to enforce such settlement.

SECTION 13. If the road commissioners should not expend all the money realized in the sale of said bonds, then the amount remaining unexpended shall be reserved to apply on the payment of such bonds and interest, and the extra taxes levied as provided for by this act shall be proportionately reduced by the county auditor by such amount. In the event that the money arising from the sale of said bonds shall not be sufficient to pay the required proportion of the costs and expenses of macadamizing or graveled all the public roads so selected, then the road commissioners shall contract for the macadamizing or graveled of only so much of said roads as can be paid for, and no more.

SECTION 14. The road commissioners, superintendents, and other agents shall be allowed one dollar and fifty cents a day for every day actually employed under the provisions of this act and the clerk shall receive ten cents per hundred words for making all records; officers who are required to perform services by this act shall receive such fees and

compensation as are allowed by law for similar services; the road commissioners shall be allowed for all reasonable expenses that may be incurred in the discharge of their duties.

SECTION 15. The cost and expenses of surveying and locating such public roads, and of building the bridges and culverts upon such roads, shall be paid out of the county treasury on the order of the county commissioners out of the county fund or bridge fund. The county commissioners shall let the contracts for, and superintend the construction of said bridges and culverts. The sum paid the surveyor or engineer and his assistants shall not exceed the customary wages for such services.

SECTION 16. All claims for damages arising out of the macadamizing or graveling of such public roads shall be settled in the manner prescribed in chapters two and four of title seven of the Revised Statutes of Ohio.

SECTION 17. Petitions provided for in section one of this act shall only be signed by freehold taxpayers, residents within the county in which such roads are to be macadamized or graveled, and owning land in such precinct; minors residing in the county and owning land in such precinct shall not be counted for or against the improvement, or extra tax, unless represented by their legal guardian; and all owners of any undivided estate shall be entitled to only one vote for or against such improvement or tax.

SECTION 18. When the road commissioners deem that such roads have been properly macadamized or graveled they shall make application to the county commissioners to receive the same, who shall proceed upon actual view to examine the same; and if upon such examination it be their opinion such roads are properly macadamized or graveled they shall receive the same; and when such roads are paid for, and said bonds redeemed, said road commissioners shall by order of the county commissioners file their final report and cease to be a body corporate.

SECTION 19. The county commissioners shall pay one-fifth of the cost and expenses of macadamizing or graveling such roads in accordance with the provisions of an act passed by the general assembly of the state of Ohio April 13, 1893, entitled "An act to provide for the improvement of roads in certain counties."

SECTION 20. Whenever such road commissioners are proceeding in accordance with the provisions of this act for the macadamizing or graveling of public roads, all the taxable real and personal property within such precinct shall be exempt from any levy by the county commissioners of such county for the purpose of constructing, macadamizing, graveling or improving roads not herein provided for and shall also be exempt from levy by any township trustees of such county for the purpose of macadamizing or graveling roads; and after the levy has been made as provided for by this act, said property shall be exempt as above set forth; provided that such exemption shall not include the levy provided for by the act referred to by section 19 of this act.

SECTION 21. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 21, 1894.

## AN ACT

For the relief of James L. Mickey, treasurer of Loudon township, Seneca county, Ohio, and the sureties of his official bond.

WHEREAS, James L. Mickey, the treasurer of Loudon township, Seneca county, Ohio, had, on the 26th day of May, A. D. 1893, on deposit with Foster & Co., bankers of Fostoria, Ohio, money of said township, as follows: Belonging to the school fund, \$1,439.21; belonging to the township fund, \$925.81; and

WHEREAS, Said Foster & Co., bankers, were, on said 26th day of May, 1893, wholly insolvent, and on said day made an assignment of all their property, in trust for the benefit of their creditors; and

WHEREAS, The condition of said Foster & Co. was wholly unknown to said James L. Mickey, and the loss of said money was without the fault of said Mickey; and

WHEREAS, Said James L. Mickey has held said office of treasurer of said Loudon township continuously since April, 1877, and during all of said time up to April, 1893, he has not claimed or received any fees allowed by law, or any compensation whatever, for services rendered as such treasurer; and

WHEREAS, Said Mickey as such treasurer has disbursed during said time, of the school funds of said township, the sum of \$60,334.65, and of the township funds the sum of \$30,995.34, and his fees during said time from the school fund would have amounted to \$603.34, and his fees on the township fund \$619.90, making a total of \$1,223.24; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees and the board of education of said Loudon township be and they are hereby authorized to release the said James L. Mickey, treasurer as aforesaid, from any and all liability for said loss, so sustained by the failure of said Foster & Co.; provided, that before said township trustees or the board of education of said township shall have the right to enter the release as herein provided, the question of such release shall be submitted to a vote of the qualified electors of said township, at the regular township election, to be held in April, 1894, and those who favor such release shall have written or printed on the regular ballots voted by them, the words "Release of treasurer—Yes;" and those opposed to such release shall have written or printed on the regular ballots voted by them, the words, "Release of treasurer—No;" and if the majority of those voting upon said question vote in favor of such release, then the trustees and board of education of said township shall have the right to exercise the powers herein granted, otherwise they shall not; provided further, that before said question shall be submitted to a vote, as aforesaid, the proper authorities of said township shall cause notice thereof to be published at least once in two weekly newspapers of opposite politics, published in said township, and notice thereof must also be printed or posted up in at least five conspicuous places in said township, outside of the corporate limits of the city of Fostoria, for a period of five days prior to said election.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
 169L

[House Bill No. 482.]

### AN ACT

Authorizing the trustees of Xenia township, Greene county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Xenia township, Greene county, Ohio, be and they are hereby authorized to transfer from the general township fund the sum of one thousand dollars (\$1,000) to the poor fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
 170L

[House Bill No. 531.]

### AN ACT

To authorize the trustees of Moorefield township, Clark county, Ohio, to purchase land for road purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Moorefield township, Clark county, Ohio, be and they are hereby authorized to purchase and take by deed a fee-simple title to the following described real estate, to wit: Situate in the county of Clark and state of Ohio, and the township of Moorefield, being in the northeast quarter of section 33, township 5, range 10, M. R. S., and bounded and described as follows: Beginning at the intersection of the north section line of said section 33 with the Springfield and Urbana turnpike road; thence south along the east side of the said Springfield and Urbana turnpike road  $16\frac{1}{2}$  feet; thence east parallel to and  $16\frac{1}{2}$  feet from said section line, to a point on the south marginal line of the county road as last located by county surveyor along said section line, said point being  $16\frac{1}{2}$  feet south of said section line; thence westwardly to the place of beginning, being a triangular strip containing one-half acre, more or less, off the north side of the premises of Albert R. Heindel. Said real estate as above described is to be used by said township trustees for road purposes only, and the consideration to be paid therefor shall be the sum of \$30.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
171L

[House Bill No. 622.]

### AN ACT

To authorize the village council of the incorporated village of Fredericktown, Knox county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Fredericktown, Knox county, Ohio, be and are hereby authorized to transfer the sum of thirteen hundred and twenty-two dollars and ten cents (\$1,322.10) from the sewer fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
172L

[House Bill No. 625.]

### AN ACT

To authorize the village council of Home City, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Home City, Hamilton county, Ohio, be and is hereby authorized to transfer the sum of two hundred (\$200) dollars, from the prison fund to the street fund.

SECTION 2. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
173L

[ House Bill No. 628. ]

## AN ACT

To authorize the commissioners of Vinton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Vinton county, Ohio, are hereby authorized and empowered to transfer seven thousand dollars (\$7,000) from the county fund to the poor fund of said county.

SECTION 2. This act to take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Passed March 22, 1894.  
174L

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[ House Bill No. 632. ]

## AN ACT

To authorize the incorporated village of Fort Jennings, Putnam county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Fort Jennings, Putnam county, be and is hereby authorized to transfer five hundred dollars (\$500) from the police fund to the street improvement fund, and one hundred and twenty-eight (\$128) dollars from the general borough fund, to the street improvement fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate*

Passed March 22, 1894.  
175L

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[ House Bill No. 379. ]

## AN ACT

To authorize the city council of the city of Bucyrus, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Bucyrus, Crawford county, Ohio, be and the same is hereby authorized to transfer from the interest and bond fund, or bonded debt fund of said city, the sum of two thousand one hundred and eleven dollars and eight cents (\$2,111.08) to the general fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 22, 1894.  
 176L

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[House Bill No. 175.]

### AN ACT

To promote higher education in counties containing cities of the first grade of the first class.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter all bona fide residents of that portion of any county containing a city of the first grade of the first class not within the corporate limits of such city, shall be admitted into and receive instruction in any high school of such city on the same terms and conditions as to tuition fees and otherwise, as are now or may hereafter be prescribed for pupils of such schools residing within such city.

SECTION 2. The board of education or other proper board of such city shall, after this act shall have been in force one year, and annually thereafter, make an estimate of the additional funds required for the maintenance of such high school under the provisions of this act, and certify such estimate to the commissioners of the respective county, who, in addition to their other powers of taxation, are hereby authorized and directed to assess and levy upon all the taxable property of such portion of said county not within the corporate limits of such city, a sufficient tax annually to provide such additional funds; provided, that nothing in this act shall be so construed as to render nugatory the stipulations under which any bequest, devise, donation or endowment has heretofore been made or given, for the support and maintenance of any high school of such city.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 22, 1894.  
 177L

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[House Bill No. 526.]

### AN ACT

For the relief of M. A. Brotzman, treasurer of Dorset township, Ashtabula county, Ohio.

WHEREAS, M. A. Brotzman was at the April election in 1891 duly elected treasurer of the township of Dorset, Ashtabula county, Ohio; and

WHEREAS, As such treasurer, he deposited five hundred and ninety-three dollars and seventy-nine cents of the funds of said township in Henry Talcott's deposit bank of Jefferson, Ohio; and

WHEREAS, Said Henry Talcott's deposit bank became insolvent, and none of said funds has been, or can be realized from said bank; and

WHEREAS, A proposition is made to release said M. A. Brotzman and the sureties on his official bond, from the payment of three hundred dollars of said funds so deposited, holding said treasurer and sureties to the payment of the balance of two hundred and ninety-three dollars and seventy-nine cents of said sum so deposited and unpaid as aforesaid; and

WHEREAS, A large number of qualified electors have petitioned this general assembly for the above specified relief of said Brotzman and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Dorset township, Ashtabula county, Ohio, be and the same are hereby authorized and empowered to submit to the qualified electors of said township, at any regular April election held after the passage of this act, ten days' notice of which shall be given before the day of said election by written or printed posters in at least five public places in said township, the question of releasing the said M. A. Brotzman, treasurer of Dorset township, Ashtabula county, Ohio, and the sureties on his official bond, from the payment of three hundred dollars only, of the five hundred and ninety-three dollars and seventy-nine cents, deposited by said Brotzman in Henry Talcott's deposit bank, and which remains unpaid and uncollectible because of the insolvency of said bank.

SECTION 2. That the voters of said township desiring to vote for such relief shall have written or printed on their ballots the words, "For relief of M. A. Brotzman—Yes;" and those desiring to vote against such relief shall have written or printed on their ballots the words, "For relief of M. A. Brotzman—No."

SECTION 3. That if a majority of all the votes cast at said election shall be in favor of said release, then the said trustees and the board of education of said township shall, by suitable resolution, release said M. A. Brotzman and the sureties on his official bond, from the payment of three hundred dollars only, of the sum of money so deposited and unpaid as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 22, 1894.  
178L

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[House Bill No. 386.]

### AN ACT

To authorize the board of education of Brooklyn Village, Cuyahoga county, Ohio, to issue bonds to the extent of five thousand dollars (\$5,000) for the purpose of funding the present floating indebtedness of said Brooklyn Village school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Brooklyn Village, Cuyahoga



county, Ohio, shall have the power to issue the bonds of said Brooklyn Village school district in the sum of five thousand dollars (\$5,000), bearing interest at any rate not exceeding six per centum per annum, payable semi-annually, and said bonds shall be sold for the purpose of funding the present floating indebtedness of said Brooklyn Village school district.

SECTION 2. Said bonds shall be signed by the president of said board of education and countersigned by the clerk thereof, and shall be authenticated by the seal thereof. They shall not be sold for less than their par value, and shall be issued at such times and in such amounts, and mature at such dates respectively as the said board of education shall by resolution determine. Said board of education is hereby authorized to levy a tax in addition to the amount otherwise ordered by law, every year, during the period said bonds have to run, upon all the taxable property of said Brooklyn Village school district, sufficient in amount to pay the said bonds and the interest thereon as the same may become due.

SECTION 3. The funds realized from the sale of said bonds shall be used by the said board of education for the purpose of paying the present floating indebtedness of said Brooklyn Village school district.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 22, 1894.

179L

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[Senate Bill No. 214.]

### AN ACT

To change the name of William Leslie Glancy to William Leslie Grumm.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William Leslie Glancy, a resident of Licking county, be and the same is hereby changed to William Leslie Grumm.

SECTION 2. That said change shall in no way affect any existing right, liability or obligation of said person, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 23, 1894.

180L

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[Senate Bill No. 249.]

### AN ACT

To confer certain powers and authority on cities of the third grade *b* of the second class, to authorize and provide for the construction of certain improvements therein, and to issue bonds for the payment of the same.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the third grade *b* of the second class be and are

hereby authorized and empowered to make any or all of the improvements provided for in and by subdivision five, chapter four, division seven, title twelve of the Revised Statutes of Ohio, and also to make and construct surface or storm-water drains or sewers, sewage disposal works, pumping-stations and the necessary machinery therefor, and to provide for the maintenance of the same, either within or without the corporate limits of such cities; to remove, straighten, divert or change the course of any ditch, watercourse or stream within said city to the extent and in the manner the council may determine, and for that purpose may make and enter into contracts for the furnishing of materials and doing the work necessary therefor, and to provide for the payment of the same in the manner provided by law and in this act.

**SECTION 2.** Any plan or system of sewerage and drainage in such cities shall embrace and provide for sanitary house sewerage and surface or storm-water drainage, which sanitary house sewerage and surface or storm-water drainage may be constructed independent of each other, and for the separate and exclusive purposes, respectively, of surface or storm-water drainage and sanitary house sewerage; and which system may be so constructed as to be used for both sanitary house sewerage and surface or storm-water drainage in the whole or in any part of said cities, as the city council of said cities may determine; said system may also embrace plans and provide for the construction of sewage disposal works, pumping-stations, with the necessary machinery therefor, and for the maintenance of the same, either within or without the corporate limits of such cities; said cities may also embrace plans and provide for the removal, straightening, diverting or changing the course of any ditch, watercourse or stream within said cities to the extent and in the manner the council may determine.

**SECTION 3.** In all such cities the construction, maintenance, operation, management and cleaning of said sewers and drains, pumping-stations and sewage disposal works, and the removal, straightening, diverting and changing the course of such ditches, watercourses and streams, shall be under the care and direction of the board of commissioners of sewers, wherever such board has been appointed and confirmed, or may hereafter be appointed and confirmed, as provided by law.

**SECTION 4.** The plan of sewerage and drainage for any such cities shall, in the discretion of the council, be formed with a view of the division of the corporation into surface or storm-water drainage districts, separate from and independent of districts formed for sewerage or for sewerage and surface storm-water drainage combined; said plans shall divide said cities into two or more districts for sewer and drainage purposes, or in such other manner independent of each other, or connected together, as may be deemed best for the sewerage and drainage of such cities. Said districts shall be clearly defined by fixed lines, be named and numbered, and consist of such main and trunk sewers and drains, connections, branches and laterals, as may be deemed necessary for the successful sewerage and drainage of said cities and districts. But main or trunk sewers and drains may be provided for, established and constructed regardless of districts.

**SECTION 5.** The plans for the said system of sanitary house sewerage and surface or storm-water drainage, and other improvements herein provided for, shall be prepared by the engineer employed by the board of commissioners of sewers, under the direction of said board.

**SECTION 6.** After such general plans and systems have been prepared, said board of commissioners of sewers shall designate and recommend to council such portions of said work as may be required to be constructed for immediate use, by districts or parts of districts, with plans and specifications upon which bids may intelligently be received for the construction of the same, giving size of mains, connections and tubes, location, inclination, and depth below the surface of the ground at which the same are to be placed; which plans and specifications and the recommendations of said board shall be retained in the office of the clerk of such cities and be open to public inspection and examination.

**SECTION 7.** Said council shall immediately give notice by publication for ten days continuously in daily papers of opposite politics, published in said cities, that said plans and specifications are on file with said clerk for examination and objection by any person whose property will be affected thereby, or which will be liable to be taxed for the construction of the same; objections to such plans and specifications, or to the proposed location of any of the sewers or drains or other improvements shall be made in writing by any person particularly specifying the objection thereto within said ten days, after which date all persons having a right to object thereto will be forever barred.

**SECTION 8.** At the expiration of said period of ten days, and after considering any objection filed thereto, said board of commissioners of sewers may make such changes in said plans and specifications and the location of any part of said sewers and other improvements, as in their judgment may seem best, and shall immediately certify the same, with said correction, if any, to the council, for its approval and adoption by resolution.

**SECTION 9.** The council shall advertise and award contracts for constructing said sewers and drains, and for the making of the other improvements herein provided for, and for the furnishing of any and all materials necessary therefor, in the order designated and recommended by the board of commissioners of sewers, in accordance with the laws of this state governing city councils in advertising and letting contracts; provided, that the construction of no part of said improvements shall be advertised and contracted for until so designated and recommended by said board. All advertising relative to sewers, the cost of which becomes a part of the expense to be assessed against property owners, shall be let to the lowest bidder, and all advertisements must conform to section 4369 of the Revised Statutes of Ohio.

**SECTION 10.** All said work shall be done and material furnished under the supervision and direction, and to the satisfaction of said board, and the same shall not be accepted or paid for until approved by said board.

**SECTION 11.** The cost and expense of constructing said surface or storm-water drains, including interest on bonds issued therefor, shall be levied by the councils of said cities upon the taxable property of such surface or storm-water drainage districts, as valued for taxation on the duplicate. The councils of said cities shall have power, and are hereby authorized to assess the costs and expense of constructing said sanitary sewers, branches, connections and laterals, including interest on bonds issued therefor, upon the lots and lands bounding or abutting upon the streets, lanes, alleys, highways, market-spaces, public buildings and commons, in or along which the same shall pass, by the feet front as provided

by law. The cost and expense of constructing main surface or storm-water drains, extending through [or] into two or more drainage districts, may be assessed upon the taxable property of said districts respectively, in such proportion as the council shall determine; or, if council deem it best, it may assess said cost and expense of constructing such main, storm-water drains, upon the general tax duplicate of the whole city.

**SECTION 12.** The expense of erecting pumping-stations and sewage disposal works, if such be established, the purchase of the necessary sites therefor, and the costs and expense of removing, straightening, diverting or changing the course of any ditch, watercourse or stream within the said city, shall be assessed upon the general tax duplicate of the municipality.

**SECTION 18.** Said cities are hereby authorized to acquire, by purchase or condemnation, the necessary real estate for the pumping-stations, and for the purpose of removing, straightening, diverting or changing the course of any ditch, drain, watercourse or stream, as in this act contemplated, either within or without the corporate limits of said cities, should the city council deem the same necessary for the proper sewerage and drainage of the same, and to assess the cost and expense thereof upon the general tax duplicate of the municipality.

**SECTION 14.** For the purpose of providing a fund for the payment of the cost and expense of any such improvements assessed or to be assessed on the abutting lots and lands, the city council shall be authorized, from time to time, as the work progresses, to issue the bonds of said city in such sum or sums as it may deem best, to an amount not exceeding the contracted price of said work, and the incidental expenses attending the same. Said bonds shall bear the name and number of the district or districts of such city improved; they shall be signed by the mayor and be countersigned by the city clerk, who shall attach the seal of the city thereto; they shall bear interest not exceeding six per centum per annum, payable annually, the principal and interest to be payable at the city treasury of said city, and may be made to run any length of time not exceeding fifteen years.

**SECTION 15.** For the purpose of providing a fund for the payment of so much of the cost and expense of making any such improvements as may be assessed against the city at large, the city council of any such city is hereby authorized and empowered to issue the bonds of such city for any amount not exceeding in the aggregate the sum of \$100,000, which bonds shall be signed by the mayor and countersigned by the city clerk, who shall attach the seal of the city thereto. Said bonds may be made to run for any length of time not exceeding thirty years, and at a rate of interest not exceeding five per centum per annum, payable semi-annually, the principal and interest payable at the city treasury of said city; said bonds may be issued at such time or times and in such amount or amounts as the progress of the work and the convenience of the corporation may require, and shall be sold in the manner provided in section 2709 of the Revised Statutes, and shall not be sold for less than par, the proceeds thereof to be placed to the credit of a fund to be known as "the general sewer fund," and to be applied to the payment of the expense of said improvements, and to no other purpose whatever. But before any bonds are issued, as provided in this section, the question of issuing said bonds shall be submitted to the voters of the said city at a general or special election, and not less than five (5) days' notice of the submis-

sion shall be given in one or more newspapers printed therein, stating the time and place of holding said election, and if a majority of the voters voting at such election upon the question of issuing said bonds vote in favor thereof, then, and not otherwise, said bonds shall be issued and the taxes levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds," and those who vote against the same shall have written or printed on their ballots the words "Against the issue of bonds." For the purpose of submitting the question on the issue of said bonds the mayor of said city, upon a resolution adopted by the city council, shall issue his proclamation for said election.

SECTION 16. For the purpose of providing a fund for the payment of so much of the cost and expense of constructing said surface or storm-water drains as may be assessed against the property in said surface or storm-water drainage districts, the city council of any such city is hereby authorized and empowered to issue the bonds of such city for any amount not exceeding the contracted price of said work and the incidental expenses attending the same. Said bonds shall bear the name and number of the surface or storm-water drainage district or districts of such city improved: they shall be signed by the mayor and be countersigned by the city clerk, who shall attach the seal of the city thereto; they shall bear interest not exceeding six per centum per annum, payable annually, the principal and interest to be payable at the city treasury of said city, and may be made to run any length of time not exceeding fifteen years. Said city councils are authorized to negotiate and dispose of said bonds and the said bonds provided for in section fourteen (14) of this act, in the manner provided in section 2709 of the Revised Statutes, and at such prices as may be obtained for the same at not less than par.

SECTION 17. The council shall by ordinance specify the property to be assessed, and the amount of such assessment for the purpose of constructing sanitary and house sewerage, and also specifying the amount to be taxed on the taxable property of any drainage district in each year; provided, however, that the total amount of all such assessments and taxation for said improvements shall not amount to more than twenty-five per cent. of the total taxable value of such property, and not more than one-fifteenth thereof shall be collected in any one year.

SECTION 18. All said assessments and taxation shall be certified by the clerk of said city to the auditor of the county, and shall be placed by him against said property, and shall be due and payable as county taxes, and shall be a lien thereon as other taxes. They shall have precedence over all other liens and shall not be divested by any judicial sale. It shall be the duty of the city council of any such city annually to levy taxes upon all the taxable property of said corporation, and to certify the same to the county auditor, sufficient for the purpose of paying the interest on, and to provide a sinking fund for the final redemption of the said bonds specified, and to be issued for the purpose of raising funds to pay the costs and expense of said improvements so to be charged and assessed against the whole taxable property of such cities; and it shall be the duty of the city council of any such city annually to levy a tax upon all the taxable property in such drainage district or districts sufficient for the purpose of paying the interest on, and to provide a sinking fund for the final redemption of the said bonds specified, and to be issued for the purpose of raising the necessary fund to pay the cost and expense of

said improvements in said district or districts chargeable against and assessed upon the taxable property in said districts. All of said taxes in this section provided shall be in addition to the amount of taxes now authorized to be levied for municipal purposes. The money derived from said taxation shall be applied only to the payment of the said principal and interest of said bonds, and any money in said sinking fund may be loaned to said city or invested in other good securities until it is required to pay instalments of interest or any of said bonds when due.

SECTION 19. Any owner of property against which an assessment shall have been made for the cost of said improvements shall have the right, at any time prior to the issuing of the bonds therefor, to pay the same in full, with the interest, if any then accrued thereon, not to exceed six per cent. from the time said assessment was so made, or, after having paid one or more of such fifteen instalments and the interest, he may at any time pay the balance of his assessment remaining unpaid, including interest in full. All moneys received from said assessment shall be appropriated by the city council to the payment of the interest, and the redemption of bonds issued under the authority conferred by this act for the improvements aforesaid.

SECTION 20. The term "owner" in this act shall be so construed as to include all corporations, public, private and municipal.

SECTION 21. No mistakes in the description of the property or in the name of the owner shall vitiate the assessment or lien.

SECTION 22. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, so far as the same apply to cities of the third grade *b*, of the second class.

SECTION 23. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.  
181L

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[House Bill No. 504.]

## AN ACT

To authorize certain cities of the second class to issue bonds for street improvement and sewerage purposes.

[IRONTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the fourth grade of the second class which at the last federal census had, or which at any subsequent federal census may have, a population of not less than ten thousand nine hundred and twenty-five (10,925) nor more than ten thousand nine hundred and fifty (10,950), be and it is hereby authorized and empowered to issue the bonds of such city in an amount not to exceed fifty thousand (\$50,000) dollars, for street improvement, sewerage and drainage purposes in said city. Said bonds shall be issued in such denominations, not exceeding one

thousand (\$1,000) dollars. Each shall bear interest at such rate not to exceed five per cent. per annum, payable annually or semi-annually, and shall be payable at such place and times, not to exceed twenty years from their date, as council may determine, and shall be made, issued and disposed of in all respects as provided by law. Not to exceed twenty-five thousand dollars (\$25,000) in amount of said bonds shall be issued and the proceeds used only for the purpose of paying the city's portion of the cost of constructing the sewerage and drainage system of such city. Not to exceed twenty-five thousand dollars (\$25,000) in amount of said bonds shall be issued and the proceeds used only for street improvement purposes, to wit: To pay the cost of intersections, and the city's proportion, as provided by law, of the remaining cost of the improvement of the streets of such city. And no part of the proceeds of said bonds shall be used for opening, widening or straightening any street or alley, but said bonds shall not be issued by said city until the question shall have first been submitted to a vote of the qualified electors of said city at a general or special election of which not less than five (5) days' notice shall be given by publication in some newspaper of general circulation in said city and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their ballots the words, "Issue of bonds—Yes," and all voters desiring to vote against such issue of bonds shall have written or printed on their ballots the words, "Issue of bonds—No;" and if a majority of said votes cast at such election be in favor of the issue of such bonds then said city may proceed as authorized by this act and not otherwise.

SECTION 2. Commencing with the year 1894, the council shall, annually, levy on the taxable property of the city, a tax not exceeding one mill in each year, to pay the principal and interest for the bonds as the same shall mature, which tax may be in excess of the maximum now allowed by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.  
182L

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[House Bill No. 156.]

### AN ACT

To authorize the board of education of Ward township school district, Hocking county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Ward township school district, Hocking county, Ohio, be and the same are hereby authorized and empowered to levy an additional tax for the years 1894, 1895, 1896, 1897 and 1898, on all the taxable property within said school district, not to exceed four (4) mills on the dollar, for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the

purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness, as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 26, 1894.  
183L

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[House Bill No. 377.]

### AN ACT

To authorize the board of education of Minster school district, Jackson township, Auglaize county, Ohio, to erect and furnish a public school building in the village of Minster, and to provide for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Minster school district, in Jackson township, Auglaize county, Ohio, be and the same is hereby authorized to issue its bonds, not to exceed the sum of seventeen thousand dollars (\$17,000), for the purpose of erecting and furnishing a public school building in the village of Minster, Jackson township, Auglaize county, Ohio.

SECTION 2. That said bonds shall be signed by the president of the board of education and attested by the clerk, who shall keep a record of the same; said bonds shall be in denominations of not less than five hundred dollars, the first of which shall mature on September 15, 1895, and the second shall mature on the fifteenth of March, 1896, and the remainder shall mature on the fifteenth day of September and the fifteenth day of March in each year, covering a period of seventeen years; said bonds shall be negotiable, and bear interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as said board of education may deem best; and said bonds may have interest coupons attached thereto; said bonds shall not be sold at less than their par value, and to the highest and best bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the erection of the public school building in said village, and in furnishing the same.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said board of education is hereby authorized and empowered to levy a tax on all the taxable property of said district sufficient to meet the said bonds as they mature, in addition, if necessary, to the taxes now authorized by law, which levy shall be placed on the duplicate by the auditor and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 26, 1894.  
184L



## AN ACT

To establish a special school district in Marion township, Henry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a special school district in the township of Marion, county of Henry and state of Ohio, to be known as the Hamler special school district, be and the same is hereby established with boundary as follows: Beginning at the northeast corner of the northwest quarter of section eleven (11), thence running west on the section line between sections two (2) and eleven (11) and three (3) and ten (10) to the northwest corner of the northeast quarter of section ten (10) thence south on the half section line of sections ten (10) and fifteen (15) to the southwest corner of the northeast quarter of section fifteen (15), thence east on the half section line in sections fifteen (15) and fourteen (14) to the southeast corner of the northeast quarter of section fourteen (14), thence north on the half section line in sections fourteen (14) and eleven (11) to the northeast corner of the northwest quarter of section eleven (11), the place of starting.

SECTION 2. All school property situated within the said described territory shall be the property of said special school district and said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent expenses in accordance with the enumeration of the year 1893 of children who are entitled to attend school, said funds being those now collected within the county or township treasury, and shall in all respects be governed by such laws as now are or may be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 26, 1894.  
185L

## AN ACT

To compensate persons employed by the sheriff of Cuyahoga county to preserve the peace in the county of Cuyahoga during the strike of the street railway employes in the month of June, 1892, and to compensate the sheriff for expenses incurred in said matter.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Cuyahoga, be and they are hereby authorized to compensate, at a rate not to exceed three dollars (\$3) per day, any person employed by the sheriff of said county to preserve the peace and protect property during the strike of the employes of certain street railway companies of the city of Cleveland in the month of June, 1892.

SECTION 2. That said commissioners are further authorized to refund to said sheriff all money paid out by him while preserving said peace and protecting said property as aforesaid; and said commissioners may refund to said sheriff any compensation which he may already have paid any persons in said behalf; providing, that the rate per day of such compensation be not greater than is provided in section one of this act.

SECTION 3. It shall be the duty of the sheriff of said county to make out for said county commissioners, under oath, as a basis for their action herein, an accurate statement and list of the persons so employed by him and the number of days served by each such person and all expenses incurred by said sheriff in said matter.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 26, 1894.  
186L

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[House Bill No. 420.]

### AN ACT

Supplementary to an act to authorize and require the board of county commissioners of Hardin county to refund certain taxes to Nicholas Miller, passed April 23, 1891.

WHEREAS, On the 23d day of April, 1891, the general assembly of the state of Ohio passed an act authorizing and requiring the county commissioners of Hardin county to refund to Nicholas Miller the amount of all taxes other than assessments for ditches and turnpikes levied upon the southeast quarter of section twenty (20) in township three (3), south of range twelve (12), east in said county, while the title to said lands remained in the state of Ohio, which have been paid by said Nicholas Miller and one George Leighton; and

WHEREAS, Said act does not provide for the allowance of any interest on the amount of taxes so paid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Hardin county, Ohio, be and the said board is hereby authorized and required to cause to be allowed and paid to said Nicholas Miller, in addition to the amount of taxes now authorized and required by law to be refunded to him, interest thereon from the time such taxes were paid at the rate of six per centum per annum.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
187L

[House Bill No. 481.]

## AN ACT

To detach certain lands lying within the limits of Union township, Fayette county Ohio, from other lands in said township, and attach the same to Paint township, Fayette county, Ohio, and to change a portion of the line between said townships, said townships being contiguous, and said lands so attached to be used for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described lands, lying in Union township, Fayette county, Ohio, to wit: Beginning at a stone in the line of Paint and Union townships, Fayette county, Ohio, and in the west line of the Washington pike; thence with said township line, south  $78\frac{1}{2}$  degrees west 7.28 chains to a stone in the line of Ann Harper and the Bloomingburg cemetery; thence south  $24\frac{1}{2}$  degrees east 13.12 chains to a stone in the line of said Harper and the C. G. Leavell estate; thence north  $58\frac{1}{2}$  degrees east 6.98 chains to a stone in the west edge of said pike; thence north 23 degrees west 10.68 chains to the beginning, containing 8 85-100 acres, be and the same are hereby detached from the other lands in said Union township, Fayette county, Ohio, and attached to the township of Paint, Fayette county, Ohio, said Paint township lying and being in said county of Fayette, and contiguous to said lands hereby detached from the lands in said township of Union, and attached to said Paint township and made part thereof; said land so attached to said Paint township to be used for cemetery purposes by the trustees of Paint township, Fayette county, Ohio; and that said township line between said townships be and the same is changed as provided herein.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 27, 1894.

188L

[House Bill No. 495.]

## AN ACT

To annex additional territory to Lafayette special school district in Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following additional territory in Jackson township, Allen county, Ohio, is hereby annexed to the Lafayette special school district in said township and county: The southeast quarter of southeast quarter of section twenty-one (21), the southwest quarter of the southwest quarter of section twenty-two (22), the south part of the east half of the southwest quarter of section twenty-two (22), the northeast part of the east half of the northwest quarter of section twenty-seven (27), the south part of the northwest quarter of the northwest quarter of section twenty-seven (27), the west half of the northeast quarter of section twenty-nine (29), the north part

of the south half of the northwest quarter of section twenty-nine (29), the south part of the northwest quarter of section twenty-nine (29); also, that part of the northwest quarter and that part of the northeast quarter in section twenty-seven (27), consisting of twenty-five acres of land belonging to John W. Vint; also, all that part of the Pittsburgh, Ft. Wayne and Chicago railroad, rolling stock, buildings and side tracks, within and extending through any part of the said described territory, all of which is in range eight (8) east and township three (3) south in Jackson township, Allen county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
 1894

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[House Bill No. 503.]

### AN ACT

For the relief of Milo M. Preston, treasurer of Marion township, Hardin county, Ohio, and the sureties on his official bond.

WHEREAS, Milo M. Preston was duly elected and qualified and gave the necessary bond according to law as treasurer of Marion township, Hardin county, Ohio, to serve for the years of 1892 and 1893, and by virtue of said office large sums of money came into his possession; that with the consent and knowledge of the trustees of said township, said Milo M. Preston, as treasurer aforesaid, deposited the funds of said township in the Citizens' bank of Ada, Ohio, which bank was, by said treasurer and trustees and citizens generally, considered a safe and reliable banking institution; that on the 18th day of July, 1893, said Citizens' bank made a general assignment for the benefit of its creditors, and on the date of said assignment said Milo M. Preston had on deposit in said bank the sum of one hundred and twenty-six dollars and twenty-three cents (\$126.23), which amount belonged to and was a part of the funds of Marion township, Hardin county, Ohio; and

WHEREAS, Said Milo M. Preston has faithfully and honestly discharged his duties as said treasurer as far as it was possible for him to do so; and

WHEREAS, Two hundred and fifty of the qualified electors and taxpayers of said township have petitioned this general assembly to pass an act to relieve said treasurer and the sureties on his official bond; and

WHEREAS, The trustee of said bank certified that in his opinion the assets of said bank will, upon final settlement, pay seventy-five to eighty per cent. of its liabilities; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Milo M. Preston and the sureties on his official bond as treasurer aforesaid, be and are wholly relieved and released from the payment to the treasurer of said township, or to the officers thereof, of whatever part of said one hundred and twenty-six dollars and

twenty-three cents shall remain due said Milo M. Preston as treasurer aforesaid, from the Citizens' bank of Ada, Ohio, upon the final settlement of the affairs of said bank, and they and each of them shall be relieved and released from any and all liability for said sum. And the trustees of said bank are hereby authorized and directed to pay to the treasurer of said township all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
190L

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[House Bill No. 517.]

### AN ACT

To provide an official stenographer for certain counties therein named.

[ERIE COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a population of 35,462 by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas of said county, or a judge thereof in vacation, may appoint one official stenographer for such county, who shall hold such office for a term of three years from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office, and shall receive a salary of \$500 per annum, to be paid in equal monthly instalments out of the general fund of said county upon the warrant of the county auditor of such county, who shall issue his warrants therefor on the treasury for the payment of said salary when there is filed in his office a certified copy of the journal entry of such appointment. It shall be the duty of said stenographer, unless the same be waived by the parties and the court, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in course of the trial or hearing, and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct. In all cases or proceedings held or tried in the circuit, common pleas and probate courts, such stenographic notes to be the property of the county and filed and preserved in the office of such stenographer, and the court shall not be required to reduce to writing its charge to the jury in any case in which such notes shall be taken of the charge, when a transcript in longhand shall be made out, and may be taken by the jury in their retirement and returned with their verdict into court. It shall be also the duty of such stenographer to make or cause to be made, at the request of either party or his attorney or the court, an accurate transcript into longhand of the notes so taken

in any case or proceeding, to be paid for forthwith by the party ordering the same; but no such transcript of the notes in longhand shall be paid for out of the treasury in any case unless such transcript shall be first ordered by the judge trying the case for his own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case the bill therefor shall be approved by the court before whom said case was heard or tried. Such stenographer shall, without extra compensation, also take down from the dictation of the court such shorthand notes as may be required by the court in preparing opinions or charges to juries.

SECTION 2. Such stenographer shall receive for making any such transcripts of said notes into longhand, six cents per folio of one hundred words, except when more than one such transcript shall be ordered at the same time, the fee for any such additional transcript shall be one-half the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties the total cost thereof shall be equally divided between the parties so ordering them, and in every case where such stenographic notes are taken there shall be taxed for each day's service of said stenographer in so taking said notes, a fee of \$3, to be collected as other costs in the case, and when so collected shall be paid quarterly into the county treasury by the clerk of such court.

SECTION 3. The commissioners shall provide such stenographer with an office in the court-house of the county, together with a place therein for filing away the stenographic notes so taken, and shall also provide the necessary stationery for the use of said stenographer; and such stenographer shall also have power to take and certify depositions in any of the courts of said state, and take and certify depositions in any other county in actions pending in said counties, and may be appointed a referee to take and report evidence in cases pending in any of the courts of this state, and in taking such depositions or evidence shall have the same powers and shall receive the same fees for services as other officers authorized to take depositions in this state.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
191L

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[ House Bill No. 551.]

### AN ACT

To authorize the commissioners of Mahoning county to issue bonds for the relief of the general county fund, twenty five thousand dollars of which are to be applied to the relief of the poor, and the balance of said issue to be applied to county purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Mahoning county be and they are hereby authorized and empowered to issue the bonds of said county in a sum not to exceed thirty-five thousand dollars; said bonds to

be issued in denominations of not less than five hundred dollars nor more than one thousand dollars each, payable at such times as the commissioners may fix, not exceeding seven years from the date of their issue, and bearing interest at a rate not to exceed five per cent. per annum; and said commissioners are hereby authorized to negotiate and sell the said bonds as provided by law; provided, however, that said bonds shall not be sold for less than their par value.

SECTION 2. Twenty-five thousand dollars realized from the sale of said bonds shall be applied to the relief of the poor; provided, said commissioners shall deem such amount necessary, and the balance of the money realized from the sale of said bonds shall be credited to the general county fund and used for county purposes.

SECTION 3. For the purpose of providing money for the payment of the principal and interest of said bonds herein authorized to be issued the said commissioners are hereby authorized to levy a tax on all the taxable property of said county at a rate not exceeding six-tenths of one mill on the dollar, in addition to all the other taxes now authorized by law to be levied on such property.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
192L

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[House Bill No. 591.]

## AN ACT

To detach certain lands used only for farming purposes, from the city of Findlay, in Findlay township, Hancock county, in the state of Ohio, hereinafter described, from said Findlay township and city of Findlay and connect the same to other townships contiguous thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the east half of the northeast quarter and the east part of the west half of the northeast quarter and the northeast part of the northwest quarter of the southeast quarter of section twenty containing about eighty-eight acres and the middle part of the south part of the southeast fraction of section seventeen containing about fifteen acres. The north part excepting the north fifteen acres of southeast quarter of section seventeen containing about eighty-seven acres and the west part of the northwest fraction of section seventeen containing about seventy acres. Part of the southeast corner of the west half of the southeast quarter of section thirty containing about twenty acres. Thirty-seven acres of the west half of the southwest quarter of section nineteen. Twenty-nine acres in the north part of the east half of the northwest quarter of section thirty-one. The north half of the southeast quarter (except the part thereof north of the Arcadia road), and the north part of the south half of the southeast quarter of section eight containing about 93 acres. Be and the same are hereby detached from the other lands in said city and

township of Findlay, and attached to the township of Marion in said county of Hancock and state of Ohio and made part thereof.

SECTION 2. And be it further enacted by the general assembly of the state of Ohio, that the following lands situated and being in the city of Findlay, Hancock county and state of Ohio, which lands are used only for farming purposes and described as follows: The west half of the northeast quarter and the east half of the northwest quarter of section one containing about one hundred and sixty-three acres. The southwest quarter of section fourteen excepting lot 52 containing six acres thereof and about forty acres off of the west part of the southeast quarter of said section fourteen containing about two hundred acres. Twenty-five acres off of the north part of the west half of the northeast quarter of section fourteen. The west thirty acres of the east half of the northwest quarter of the southeast quarter of section twenty-three containing about one hundred and thirty acres. Out of lot 59 and 256 in P. Carlin's western addition containing about twenty acres. The northwest quarter of section twenty-five containing about one hundred and fifty-nine acres. The south half excepting about one acre in the southeast corner of southeast quarter of section twenty-five containing about eighty acres. The north fractional part of southeast quarter of section eleven containing about one hundred and two acres, be and the same are hereby detached from the other lands in said city and township of Findlay, and attached to the township of Liberty in said county of Hancock and state of Ohio and made part thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
193L

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[House Bill No. 603.]

## AN ACT

To authorize the council of any incorporated village in the state of Ohio which contained at the last federal census, or which at any subsequent federal census may contain a population of not less than 1,550 and not more than 1,575, to issue bonds for the purpose of purchasing a site and erecting and maintaining thereon an electric light plant.

[WAVERLY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in the state of Ohio which at the last federal census contained, or which at any subsequent federal census may contain a population of not less than 1,550 nor more than 1,575, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding fifteen thousand dollars (\$15,000), for the purpose of purchasing a site in such village, and erecting and maintaining an electric light plant thereon, for lighting the streets and alleys of said village, and furnishing light to the citizens thereof at such prices as said council may deem proper.



SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of such village, and may be issued in such denominations, and sold in such manner, at not less than their par value, as the council of said village by ordinance may determine. Said bonds shall bear interest from the date of issue at a rate not to exceed six (6) per centum per annum, payable semi-annually, and redeemable at such time or times, not exceeding twenty (20) years from their respective dates thereof, as the council may by ordinance prescribe, and said bonds may, in the discretion of said council, have interest coupons attached.

SECTION 3. That for the purpose of paying said bonds and accruing interest thereon, as the same shall become due, the council of said village is hereby authorized and empowered to levy and assess a sufficient tax, in addition to that now authorized by law, on all the taxable property of said village, and cause such levy to be certified to the county auditor of the proper county, to be placed upon the tax duplicate and collected as other taxes.

SECTION 4. The powers herein conferred shall in no case be exercised by the council of such village until the question of issuing said bonds shall have been submitted to the qualified voters of such village at any general election held therein, or at a special election to be called by the council of said village for that purpose, of which at least five days' notice prior to the day of holding said election shall be given in one or more newspapers printed in such village, designating the amount of bonds proposed to be issued and the purpose for which issued. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such village; provided, that if a special election is called in accordance with this act the mayor and council, any three of whom shall be a quorum, shall serve as judges in such special election, and the clerk of the village shall be clerk, together with an elector of the village, to be appointed by the mayor, any law to the contrary notwithstanding. Those voting in favor of the issue of such bonds shall have written or printed on their ballots the words, "For the issue of electric light bonds—Yes;" and those voting against the same the words, "For the issue of electric light bonds—No." The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such village, who, with the mayor of such village, shall, at any regular or special meeting of the village council, and in the presence of a quorum of such council, proceed to canvass such vote, and the village clerk shall record the number of votes cast for such proposition and the number of votes cast against such proposition in such village; and if two-thirds, or more of the electors voting upon such proposition at said election cast their ballots in favor of issuing such bonds, then the council of such village shall have authority, and proceed to issue said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
194L

[House Bill No. 617.]

## AN ACT

To authorize the council of the village of Oak Harbor, Ottawa county, Ohio, to transfer funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Oak Harbor, Ottawa county, Ohio, be and the same is hereby authorized and empowered to transfer a sum not to exceed five hundred and fifty dollars from the town hall fund of said village to the general fund of said village.

**SECTION 2.** This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
195L

[House Bill No. 618.]

## AN ACT

To authorize the board of education of Elmore special school district, Ottawa county, Ohio, to issue and sell bonds for the purpose therein named.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Elmore special school district, Ottawa county, Ohio, be and they are hereby authorized to issue and sell the bonds of said district in an amount not to exceed two thousand (\$2,000) dollars, for the purpose of procuring a new furnace, repainting and making other necessary improvements.

**SECTION 2.** Said bonds shall be issued in such denominations, and shall run such length of time, not to exceed five years from the date of issue, as the board of education may direct. Said bonds shall be signed by the president and clerk of said board, and shall bear interest at a rate not exceeding six (6%) per cent. per annum, payable semi-annually, and shall not be sold for less than their par value. The principal and interest of said bonds shall be made payable at such place as said board may designate.

**SECTION 3.** For the purpose of meeting the principal and interest of said bonds, said board of education shall levy annually such amount as may be necessary in addition to that now authorized by law.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
196L

[House Bill No. 619.]

## AN ACT

To authorize commissioners in certain counties to issue bonds and provide for the payment thereof.

[OTTAWA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners in all counties that at the last federal census, or at any subsequent federal census may have a population of not more than twenty-two thousand nor less than twenty-one thousand and nine hundred, be and they are hereby authorized to issue bonds in any sum not to exceed seven thousand (\$7,000) dollars, to meet deficiencies of the general fund of such counties; said bonds to have interest bearing coupons, to be dated the day of sale, to bear interest at the rate of six per cent. per annum, payable semi-annually at the county treasurer's office, to be of denominations of one thousand dollars, all to be issued so as to come wholly due within seven years from date; said bonds to be signed by a majority of the commissioners of said county and the county auditor, and to be delivered to the purchaser upon payment into the county treasury, by the purchaser, the full face value and all matured interest thereof.

SECTION 2. This act shall be in force and take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 27, 1894.

197L

[House Bill No. 634.]

## AN ACT

To authorize the trustees of Burton township, Geauga county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Burton township, Geauga county, are hereby authorized to transfer not exceeding two thousand (\$2,000) dollars from the town hall fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 27, 1894.

198L

[House Bill No. 647.]

## AN ACT

To authorize the council of the city of Wellsville, Columbiana county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Wellsville, Columbiana county, Ohio, be and are hereby authorized to transfer the sum of nine hundred and thirty dollars from the bridge fund to the street fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 27, 1894.  
199L

[House Bill No. 411.]

## AN ACT

To provide for the salary and fees of the official stenographer for certain counties therein described.

[MADISON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population of not more than 20,500 nor less than 20,000 by the federal census of 1890, or which at any subsequent federal census may have such population, the official stenographer heretofore appointed by the court of common pleas, or who may hereafter be appointed for such county, shall hold office for a term of three years from and after the date of such appointment, and until a successor be appointed and qualified, unless removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall receive a salary of four hundred dollars (\$400) per annum, payable in equal quarterly instalments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund on the first day of January, April, July and October of each year, upon the presentation to him of a certified copy of the journal entry of such appointment of said official stenographer.

SECTION 2. And it shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such oral proceedings as the court or parties may direct in all cases actually tried in the circuit, common pleas and probate courts, to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so

taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case unless such transcript shall be ordered made by the judge trying the case for his own use, and in criminal cases by the prosecuting attorney. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 3. Such stenographer shall receive for making such transcripts of said notes into longhand, five cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcripts shall be one-third the fee allowed for the first copy. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of three dollars (\$3), to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 4. Such stenographer shall have an office in the courthouse of the county, and shall have the power to take and certify depositions in any of the courts in this state, and may be appointed referee to take and report proofs in any of the courts of this state, and in taking such depositions and proofs, shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
200L

[House Bill No. 626.]

## AN ACT

To transfer funds in the village of New Straitsville, Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of New Straitsville, Perry county, Ohio, be and is hereby authorized to transfer six hundred and fifty dollars from the police fund of said village, as follows: To the general revenue fund of said village, three hundred and fifty dollars, and to the road fund of said village, three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
201L

[House Bill No. 635.]

## AN ACT

To amend an act entitled "An act to divide Saybrook township, Ashtabula county, into two voting precincts."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to divide Saybrook township, Ashtabula county, into two voting precincts," passed April 12, 1893, be amended so as to read as follows: That the township of Saybrook, Ashtabula county, Ohio, is hereby divided into two election precincts by a line described as follows: Beginning at a point on the shore of Lake Erie in said township, where a line drawn through the center road in said township north and south and extended to the lake will intersect said point; running thence southerly along said line and the center of said road to the intersection of said road with the Gore line of said township, thence easterly along said Gore line to the east line of said township. All that part of said township lying south and west of said line to be known as "precinct number one," and all that part of said township lying north and east of said line to be known as "precinct number two."

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
202L

[House Bill No. 644.]

## AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for street improvement and sanitary purposes.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, upon the recommendation of the board of public affairs of such city, be and it is hereby authorized and empowered to issue, from time to time, bonds of such city, not exceeding in the aggregate ten thousand dollars, for the purpose of cleaning, repairing or otherwise improving the streets or the sanitary condition of such city.

SECTION 2. Such bonds shall be designated "street and sanitary improvement bonds" and shall be in such denomination, run for such length of time not exceeding five years, and bear such rate of interest not exceeding six per cent. per annum, payable semi-annually, as such council may by ordinance determine. Such bonds shall be signed by the mayor and the city clerk of such city and be sealed with the seal of the corporation and shall be advertised and sold in the manner provided by law for the sale of municipal bonds and the proceeds of the sales there-

of shall be placed in the "street and sanitary fund" of such city and applied exclusively to the purposes for which such bonds are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds issued under authority of this act, as they mature, the council of any such city is hereby authorized and empowered, from time to time, to levy upon all the taxable property of such city, and collect, a tax sufficient to pay such principal and interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 28, 1894.

203L

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[House Bill No. 645.]

### AN ACT

To authorize the council of the village of New Richmond, Clermont county, Ohio to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of New Richmond, Clermont county, Ohio, be and it is hereby authorized to transfer permanently, the sum of three hundred and eighty-seven and  $\frac{82}{100}$  dollars from the "Ohio river bank" fund of said village to the "light" fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 28, 1894.

204L

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[House Bill No. 653.]

### AN ACT

To authorize the village of Yellow Springs, Greene county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Yellow Springs, Greene county, Ohio, be and are hereby authorized to transfer the sum of three hundred dollars (\$300) from the general fund to the light fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 28, 1894.

205L

[House Bill No. 634.]

## AN ACT

To change the name of Samuel R. Umprester to Samuel R. Barton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Samuel R. Umprester, a resident of Knox county, Ohio, be and the same is hereby changed to Samuel R. Barton.

SECTION 2. That such change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 23, 1894.  
206L

[House Bill No. 635.]

## AN ACT

Authorizing the trustees of Huntington township, Ross county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Huntington township, Ross county, Ohio, be and they are hereby authorized to transfer, from the improved road fund, the sum of three hundred dollars (\$300) to the general township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
207L

[House Bill No. 661.]

## AN ACT

To authorize the trustees of Newark township, Licking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Newark township, Licking county, Ohio, be and are hereby authorized to transfer five hundred dollars, from the road fund to the general township fund and five hundred dollars from the bridge fund to the general township fund.



SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 28, 1894.  
 208L

[House Bill No. 477.]

### AN ACT

To authorize the board of education of Perry township, Brown county, to levy a tax and issue bonds, the money arising therefrom to be used for the purpose of erecting a general township high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Perry township, Brown county, Ohio, be and it is hereby authorized and empowered to issue the bonds of said township, not exceeding the sum of five thousand (\$5,000) dollars, for the purpose of erecting a general township high school building in the village of Fayetteville, in Perry township, Brown county, Ohio.

SECTION 2. That for the purpose of meeting the expenses of erecting the aforesaid building, the said board of education is hereby authorized to issue the bonds of said Perry township, Brown county, Ohio, to be signed by the president and attested by the clerk of said board of education, in denominations of not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars, bearing interest at a rate not exceeding six (6) per centum per annum, payable annually, said bonds to be payable at such time or times not exceeding five (5) years from the respective dates thereof as said board of education may determine, and which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission, and to be payable at the office of the clerk of said board of education.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said board of education is hereby authorized and empowered to levy on all taxable property of said Perry township, Brown county, Ohio, a tax for such amount annually, not exceeding three (3) mills in addition to taxes now authorized by law to be levied, which levy shall be placed on the duplicate by the auditor of said county, collected as are other taxes, and when collected, paid over to the treasurer of said board of education of said township.

SECTION 4. That before any contract shall be made, indebtedness contracted or bonds issued, the question shall be submitted to a vote of the qualified electors of said township at a general election, or at a special election that may be called for the purpose by said board of education, of which election ten days' notice shall be given by notices posted in at least five (5) conspicuous places in said township, and if a majority of votes cast at said election be in favor of issuing said bonds, then the said board of education shall be authorized to issue said bonds and levy said tax, as herein provided. Those voting in favor of the issue of said bonds shall have written or printed on their ballots the

words, "For the issue of bonds—Yes;" and those voting against the issue of said bonds shall have written or printed on their ballots the words, "For the issue of bonds—No."

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 28, 1894.

209L

[House Bill No. 613.]

### AN ACT

To divide Washington township, Morrow county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Washington township, Morrow county, Ohio, shall be divided into two election precincts, by a line beginning at the southeast corner of section number twenty-five (25) in said township; thence west on the south line of sections twenty-five (25), twenty-six (26), and twenty-seven (27) to the west line of said township.

SECTION 2. All that part of said township north of the above described dividing line shall be one voting precinct, called precinct number one, with the voting place at the village of Iberia; and all of said township south of said line shall be one voting precinct, called precinct number two, with the voting place at or near the quarries of the Buckeye stone company.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

T. H. McCONICA,

*President pro tem. of the Senate.*

Passed March 28, 1894.

210L

[Senate Bill No. 228.]

### AN ACT

To authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessment, and to repeal "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the assessment," passed April 18, 1892.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That city councils of any city of the third grade *b* of the second class shall have the power, whenever the council of any such city deems it expedient and necessary, to grade, gravel, macadamize, curb and

gutter the streets and pave the sidewalks of all new streets not already improved in such cities, with full power and authority to control the work and make all such improvements at the same time; and whenever such councils deem it expedient and necessary to repair any street or portion thereof heretofore improved, by grading, graveling, macadamizing, curbing and guttering the same and paving the sidewalks, they shall have like power and authority to control the work and to make any such improvements, and to order that the improvements shall be paid for and assessed upon the property abutting on the same, in accordance with the provisions of this act, and in accordance with the various provisions of law now enacted or hereafter to be enacted, not inconsistent with this act.

**SECTION 2.** City councils of any such cities shall have like authority, upon the petition of a majority of the property owners on any street, avenue or alley, or part thereof, in any such cities, to cause the same to be paved with granite or other stone block, asphalt, vitrified brick or other permanent material, and to ordain that the cost of said improvements shall be assessed upon the property bounding and abutting on the same according to the abutting foot, in accordance with the provisions of this act and other provisions of law now enacted or hereafter to be enacted, applicable thereto and not inconsistent with this act.

**SECTION 3.** Before any such improvements contemplated by this act are commenced, council, as far as practicable, shall adopt uniform plans and specifications, and before any such improvements are commenced on any of the said streets, avenues and alleys or parts thereof, the city civil engineer, upon the order of council by resolution, shall make and submit plans and estimates of the proposed cost of making any such improvement, and present the same to council for acceptance and approval; and if said plans are adopted, council shall pass the necessary resolution declaring the intention to improve such new streets, avenues, alleys or parts thereof, in the manner herein authorized, which resolution shall be published in one newspaper of general circulation in such cities for a period of two weeks. Said resolution shall declare the manner of paying for the same and the length of time said assessments are to run; council shall designate some person to serve notice upon all the property owners along said proposed improvement, of the passage of the resolution declaring the intention of council to improve, at least ten days before any such improvement is commenced, and notice upon any owner, agent, guardian or trustee of any such property shall be sufficient notice to residents of said cities and counties, and a notice published for a period of two weeks, in one newspaper of general circulation, shall be sufficient notice to non-residents to bind them to the payment of all assessments against their property to pay the cost of making any of said improvements.

**SECTION 4.** When any such city makes any improvement or repairs provided for in this act, the costs of which exceed two hundred and fifty dollars, it shall proceed as follows:

*First.* It shall advertise bids for a period of two weeks, or if the estimated cost exceeds five thousand dollars (\$5,000), four weeks, in two newspapers published in the corporation.

*Second.* The bids shall be filed with the city clerk, sealed up at such hour on the last day as stated in the advertisement.

*Third.* The bids shall be opened at the first regular meeting of the council, on or after the last day for filing the same, and publicly read and entered on the journal in brief.

*Fourth.* Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested party that if the bid is accepted, a contract will be entered into and the performance of it properly secured.

*Fifth.* If the work bid for embraces both labor and material, they shall be separately stated with the price thereof. The bid shall include the price to be paid for grading, graveling and macadamizing, or any other material to be used, curbing and guttering the streets, and paving the sidewalks.

*Sixth.* None but the lowest and most responsible bid shall be accepted, when such bids are for material and labor separately; provided, that when the character for the material of the improvement has not been determined upon before the bids are received, that the lowest responsible bid for the improvement, with the material determined upon after the bids have been received, shall be accepted; but the council may, in its discretion, reject any or all bids, or it may, at its discretion, accept any bid for both labor and material, which may be the lowest aggregate cost of such improvements or repairs.

*Seventh.* Bids must be made on blank forms furnished by the city civil engineer with the necessary bond attached thereto, properly filled out and signed, and no bid, unless properly filled out and signed, shall be entertained by council.

*Eighth.* The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash realized from the sale of bonds authorized under this act pursuant to the limitations and reservations herein contained.

*Ninth.* If two or more bidders are equal in the whole or any part thereof, and are lower than any other, either may be accepted; but in no case shall the work be divided between them.

*Tenth.* When there is reason to believe there is collusion or combination between them or any number of them, the bids of those concerned therein shall be rejected.

*Eleventh.* In no case shall any improvement or repairs be divided up in such a manner as to bring the cost of each portion below the two hundred and fifty dollars first mentioned in this section.

*Twelfth.* Council shall advertise for bids for the printing of all resolutions, notices, proposals and ordinances necessary in the carrying out of the provisions of this act.

**SECTION 5.** The cost of making any improvements authorized by this act shall be assessed by the abutting lineal foot bounding and abutting upon said improvements, and when the city council of any such cities shall have resolved to improve any such streets and sidewalks or parts thereof, and shall have made such assessments upon the real estate bounding and abutting thereon according to the lineal abutting foot, it shall cause notice of said assessments to be made as required by law, and after such improvements shall have been made and completed, the city clerk shall certify such assessments to the auditor of the county in which such cities are situated, and by him the same shall be placed upon the tax duplicate of the county and collected the same as other taxes are collected,

and he shall place the proceeds to the credit of the street improvement fund, and the same shall be a part thereof. Such assessments shall be payable in ten annual instalments or less, according to the provisions of the resolution ordering said improvements, to meet the payment of the principal and interest of the bonds with interest at the rate provided in the bonds, payable annually at the county treasurer's office; and any such assessment, with the interest accruing thereon, shall be a lien upon the property bounding and abutting the improvement from the time the contract is entered into for making said improvement, and shall be a lien until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale unless payment of the same is provided for from the proceeds of said sale.

SECTION 6. Upon the completion and acceptance of said work by council, the city engineer shall prepare an assessment plat or sheet, showing the amount to be paid by each owner, who upon being notified by the city clerk, either by mail, personal service or publication, shall have thirty days from date of said notice to pay the same to the city clerk, and upon failure so to do, the same shall be assessed against said property according to the provisions of this act, and council shall pass the necessary assessing ordinance which shall be published according to law.

SECTION 7. All moneys received from such assessments shall be appropriated by the proper authorities solely to the payment of the interest and the redemption of bonds issued for such purposes, or any renewal thereof. If any bond or interest shall be due and no money is on hand to pay the same, the city shall be authorized to make a temporary loan to pay the same; but such liens shall continue in full force on the abutting property for the full assessment not paid, and accruing interest for such temporary loan in behalf of such city.

SECTION 8. In the resolution declaring the intention of council to make any of the improvements authorized by this act, the length of time any such assessments are to run shall be designated upon the following basis, as taken from the estimate of the civil engineer:

Under forty (40) cents per foot, 3 years.

Over forty (40) cents per foot and under 80 cents per foot, 5 years.

Over 80 cents per foot and under \$1 per foot, 7 years.

Over \$1 per foot and under \$1.50 per foot, 8 years.

All over \$1.50 per foot, 10 years, and all improvements made under the provisions of this act shall be made according to the specifications adopted by council, and no deviation therefrom shall be permitted by council. And in calculating the cost of said improvements for the purpose of determining the amount to be paid by each property owner, the cost of the work, together with the cost of advertising, shall be taken together as the basis of calculation, and the same shall be assessed equally upon all the abutting property along said improvement according to abutting foot fronting and abutting along the same, excepting that such cities shall pay the cost of the street and gutter crossings, and the contractor shall be paid for said work by the city, out of the proceeds arising from the sale of bonds issued by and under authority of this act, but not until he receives a certificate from the city engineer that the work has been done according to contract and accepted by council.

SECTION 9. In order to provide for the payment of the cost and expense of said improvements to be assessed upon the abutting property, the council may, from time to time (as such improvement progresses)

issue the bonds of such city in such sums as will be required, in all to an amount not exceeding the contract price of the work and the other expenses attending the same, and the interest as heretofore provided for; said bonds shall be issued and sold as the other bonds of the city are issued and sold, but they shall bear the name of the street or avenue for whose improvement they are issued, and shall state therein that they are to be paid for by assessment upon the property abutting said improvement; said bonds shall extend over a period as shall by council be determined; but in every case a period not less than that covered by the annual installment of the assessment to be provided in the ordinance or resolution directing the improvement; they shall bear interest at a rate not exceeding 6 per cent. per annum, interest payable annually at the office of the city treasurer.

**SECTION 10.** To provide a means for the payment of the city's portion for the cost of intersections when the improvement embraces granite, asphalt, vitrified brick or other permanent material, or the cost of gutter and street crossings under the provisions of section one of this act, such cities are hereby empowered to issue bonds in conformity to section 2706 of the Revised Statutes of Ohio, and sell said bonds under the provisions of the statutes in such case made and provided in such amounts and denominations as may be necessary; said bonds shall bear interest at a rate not to exceed 6 per cent. per annum, interest payable annually, and said bonds are to run for a period not to exceed fifty years from the date of issue.

**SECTION 11.** For the payment of said bonds issued under the preceding section, the municipal council may levy a tax, in addition to the amount otherwise authorized by law, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due within that year and accruing interest on bonds issued under this act.

**SECTION 12.** That in cities of the third grade *b* of the second class, councils, for the purpose of more fully carrying out the provisions of this act, are not to be required to be governed in the execution thereof by sections 2273, 2283, 2293, 2272, 2274, 2269, Revised Statutes, and 2270 Revised Statutes, as amended April 27, 1893, and said sections are hereby repealed in so far as they interfere with the provisions of this act. And where improvements are to be commenced under this act, and bonds are to be issued for the same in anticipation of the collection of the assessments, as set forth in the resolution, the money shall have been deemed to have been raised and set apart for the improvement, and the clerk of said cities in such case is authorized to make the necessary certificate as is required in section 2702, Revised Statutes.

**SECTION 13.** In any action to enforce or enjoin the collection of any assessment, the court shall disregard any irregularity or defect, whether in the proceeding of council, or in the plans and estimates; and the acceptance of the work by council, upon the certificate of the engineer, shall be presumptive evidence that the contract has been complied with and the assessment exists; but if it be shown that there is any substantial defect of the improvement, or any fraud in the contract price of the work or material, the court may order such deduction therefor from the cost of the improvement, and such deduction shall be ratably from the assessment, and all the property abutting on said improvement, and the court may make such order in regard to costs where such substantial defect or fraud is found as the court shall deem proper.

SECTION 14. The term "owner" in this act shall be construed to include all corporations, private, public, county or municipal.

SECTION 15. An act entitled "An act to authorize certain cities to make improvements and issue bonds for the payment of the same in anticipation of the assessment," passed April 18, 1893, be and the same is hereby repealed; but all improvements made under the provisions of said act are hereby declared valid and all assessments made under its provisions are legal and binding upon the property so improved.

SECTION 16. This act shall take effect and be in full force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed March 29, 1894.  
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[Senate Bill No. 204.]

### AN ACT

Amendatory of and supplementary to section 3 of an act passed April 16, 1892, entitled "An act to create the township of Pitt, in the county of Wyandot, state of Ohio, a separate road district for macadamizing, and to improve the roads and highways in said township, and to authorize the trustees to levy and assess a tax for said improvements."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3 of an act passed April 16, 1892, entitled "An act to create the township of Pitt, in the county of Wyandot, state of Ohio, a separate road district for macadamizing, and to improve the roads and assess a tax for said improvements," be so amended and supplemented as to read as follows:

Sec. 3. For the purpose of macadamizing and improving the roads in said township, the trustees are authorized to levy and assess upon all the taxable property in said township not more than six mills on the dollar, in addition to that authorized by law, for a period of three years, which shall be paid in money and collected as other taxes, and the money so collected shall be under the control of the trustees of said township.

Sec. 3a. The township clerk shall furnish said trustees with a list of names of all persons in said township required by law to do road work, and the amount of said work required by each; and all labor on said roads shall be performed under the direction of the township trustees, who shall have entire control of all roads and all road improvements in said township not now by law under control of the county commissioners; and the office of supervisor of roads is hereby abolished in said township for a period of three years from the first day of April, 1894.

Sec. 3b. It shall be unlawful for any person or persons, firm or corporation, either by themselves or agent, to transport over the graveled or macadamized roads of Pitt township, Wyandot county, Ohio, between the 15th day of November of any year and the 15th day of May of the

following year, a burden of more than 3,600 pounds in any vehicle having a tire less than five inches in width; or a burden of more than 2,500 pounds in any vehicle having a tire of less than four inches in width; or a burden of more than 2,000 pounds in a vehicle having a tire less than three inches in width; or a burden of more than 1,500 pounds in a vehicle having a tire less than  $1\frac{1}{2}$  inches in width; provided, however, that when the roads are sufficiently dry or frozen to bear up without injury to the pike or improved road, burdens of greater weight than specified, then, and in that case, the herein mentioned restrictions shall not be in force.

Sec. 3c. Traction-engines, and all machinery transported upon wagons or trucks, shall be estimated at gross weight, and owners of said traction-engines shall be liable for all damages done the pike roads in said township by said engines at any time of the year.

Sec. 3d. In case of the violation of this act any freeholder may and the township trustees shall prosecute the person or persons, or if by agent, the principal thus violating this act, before any justice of the peace in and for said township in action for damages in the name of the state of Ohio, for the use of the pike fund of said township, and on conviction shall be fined not less than five nor more than fifty dollars, and for a second and repeated offense thus violating this act, if convicted, the justice of the peace shall, in addition to the fine, render a judgment against the defendant or defendants for any damage done the said pike roads.

Sec. 3e. In case the trustees of said township deem it necessary to pike, gravel or macadamize the roads on both sides of land owned by one or more person or persons who refuse to pike, gravel or macadamize the road along said land as directed by the said trustees, then the said trustees shall have the authority to pike, gravel or macadamize said road, and if the improvement necessarily cost more than the usual rates allowed for piking, graveling or macadamizing, the difference between said cost and said pike rate shall be estimated by the township trustees and reported to the county auditor, and the same shall be assessed against the said lands in proportion as each tract extends along or abuts the road thus piked, graveled or macadamized, and said assessment shall, as other pike taxes, become a lien upon said premises until paid.

SECTION 2. That said original section 3 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed March 29, 1894.

212L

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[House Bill No. 243.]

## AN ACT

To authorize Alvordton special school district, Williams county, Ohio, to issue bonds to build school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of Alvordton special school district, Wil-



liams county, Ohio, be and are hereby empowered to issue bonds in the sum of thirty-five hundred (\$3,500) dollars to build a school-house.

SECTION 2. Said bonds shall be issued in amounts not less than one hundred (\$100) dollars and to run not longer than ten (10) years and to draw interest at a rate not to exceed six (6) per cent. per annum, said bonds, interest and principal, to be paid at such times and places, as the school board of said special school district shall direct. Said bonds shall express upon their face the amount of the bond, rate of interest, time of payment of said bond and interest, the purpose for which issued and the act under which issued. Each bond shall be signed by the president and clerk of said special school district, and no bond shall be sold for less than its face value, and the said school board is hereby authorized to levy a tax upon all taxable property of said special school district sufficient to pay both principal and interest of said bonds as the same may respectively become due.

SECTION 3. This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

213L

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[House Bill No. 291.]

### AN ACT

To authorize the county commissioners of Stark county, Ohio, to transfer fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Stark county be, and it hereby is, authorized to transfer any sum remaining in the dog fund to the county funds after the payment in full of all claims against such dog fund at the last regular annual settlement.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

214L

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[House Bill No. 303.]

### AN ACT

To amend section 6 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, and to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers and fathers of deceased firemen; to authorize the retirement from all service, or the relief from active service, and the pension-

ing of any such member of the fire department, and for other purposes in connection therewith, in cities of the first grade of the second class."

[COLUMBUS.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 6 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, and to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers and fathers of deceased firemen; to authorize the retirement from all service, or the relief from active service, and the pensioning of any such member of the fire department, and for other purposes in connection therewith, in cities of the first grade of the second class," passed April 13, 1892, be and the same is hereby amended so as to read as follows:

**Sec. 6.** That at all elections of the persons from the fire department to be members of such board as herein provided, after the first election there shall be but one person elected annually, and each person elected shall serve for the term of three years and until his successor is duly elected, except in the event of the death or resignation of any member of such board that shall have been elected as herein provided before the expiration of his term of office, in which event the said members of the fire department shall, within thirty days after the death or resignation of any such member, and after two weeks' notice of the same shall have been posted by the secretary of the board in each engine, chemical engine, fire boat, hook and ladder or hose company and fire alarm telegraph company house, and at the general office of such fire department of the time of such election, the members of the said fire department shall proceed to the nomination and election of such successor in the manner hereinbefore provided, except that there shall be but two persons nominated for each vacancy that is to be filled; and, provided further, that members on said board elected from the fire department who may be in office at the time of the passage of this act shall remain in office until their terms of office shall expire, and upon such expiration their successors shall be elected for the term hereinabove provided.

**SECTION 2.** That said section 6 of said act as passed April 13, 1892, be and the same is hereby repealed.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

215L

[House Bill No. 440.]

## AN ACT

To amend section 76 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891.

[CLEVELAND.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section 76 of an act entitled "An act to provide a more

efficient government for cities of the second grade of the first class," passed March 16, 1891, be and the same is hereby amended so as to read as follows:

Sec. 76. When the corporation makes an improvement or repair, or purchases any supplies, the cost of which will exceed \$500, it shall proceed as follows:

1. It shall advertise for bids for a period of two weeks, once each week, or, if the estimated cost exceeds \$5,000, four weeks, once each week, as provided for in section four of said act, as amended by act of January thirty, one thousand eight hundred and ninety-four, and the same shall be paid for at rates not exceeding the rates provided in section four of this act.

2. The bids shall be filed with the clerk of the board of control, sealed up, by 12 o'clock at noon of the last day, as stated in the advertisement.

3. The bids shall be opened up at 12 o'clock at noon on the last day for filing the same by the clerk of the board of control, the mayor and the head of the appropriate department, or any two of them, and publicly read by the officer opening the same, filed in the office of the board of control, and reported by the clerk of the board to the council at the next regular meeting thereafter, and copies of all bids shall be kept by the clerk in a book kept for that purpose.

4. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by sufficient bond of some disinterested person or persons, resident of the county, or a certified check on a solvent bank of such city, for such an amount and upon such terms as may be prescribed by the officer or officers advertising for proposals, that if the bid is accepted the contract will be entered into and the performance of it properly secured.

5. If the work bid for embraces both labor and material, they shall be separately stated, with the price thereof.

6. None but the lowest and best responsible bid shall be accepted, when such bids are for labor and material separately; but the council may, at its discretion, reject all the bids or accept any bid which may be the lowest aggregate cost, when recommended by the board of control.

7. The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash: provided, however, that the contract price for an improvement, for the payment of the cost of which a special assessment is authorized by law, may be paid in instalments, as the council may have previously determined.

8. If two or more bids are equal for the whole or any part of the work, but are lower than any other, either may be accepted, but in no case shall the work be divided between them.

9. When there is reason to believe that there is collusion or combination among bidders, or any number of them, the bids of those concerned therein shall be rejected; provided, that in case of emergency and upon the recommendation of the mayor, the council may, by resolution, authorize an expenditure not exceeding \$1,000 without complying with the provisions of this section.

**SECTION 2.** Said section 16 of said act of March 16, 1891, is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
216L

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[House Bill No. 476.]

**AN ACT**

To authorize the county commissioners of Butler county to build a bridge and approaches across Gregory's creek, and to issue bonds therefor.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county, Ohio, be and they are hereby authorized and empowered to construct a bridge across Gregory's creek in Lemon township, Butler county, Ohio, where said creek crosses the Hamilton and Middletown turnpike, together with the proper and necessary approaches thereto, at a cost not to exceed the sum of ten thousand dollars; and in the exercise of their powers and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act.

**SECTION 2.** For the purpose of raising money to defray the expenses of constructing such bridge with the proper and necessary approaches thereto, said commissioners are hereby authorized and empowered to issue and sell bonds of said Butler county, at not less than their par value, in sums of not less than five hundred dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of ten thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
217L

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[House Bill No. 488.]

**AN ACT**

To amend sections 1 and 2 of an act entitled "An act authorizing the county commissioners of Logan county, Ohio, to purchase grounds for the purpose of erecting or constructing a monumental and armory building thereon."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 2 of an act entitled "An act authorizing

the county commissioners of Logan county, Ohio, to purchase for the purpose of erecting or constructing a monumental and building thereon," passed April 13, 1868, be amended so as to follow:

Sec. 1. That the board of county commissioners of Logan Ohio, be and they are hereby authorized and empowered to purchase such real estate in the village of Bellefontaine, in said county with or without building thereon, as in their judgment they may necessary for the purpose of constructing or erecting a soldiers' and school examiners' building thereon.

Sec. 2. That upon the purchase or lease of such ground board of county commissioners are authorized to cause to be constructed or erected a suitable building or buildings for soldiers' memorial, as well as a school examiners' building thereon.

SECTION 2. That said sections 1 and 2 of said act be and they are hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HAR,

*President of the*

Passed April 4, 1894.

218L

[House Bill No. 502.]

## AN ACT

For the relief of W. H. Meyer, treasurer of the incorporated village of Ada

WHEREAS, W. H. Meyer was duly elected and qualified as treasurer of the incorporated village of Ada, Hardin county, Ohio, in the years 1892 and 1893, and by virtue of his office, sums of village money came into his possession; and that by and with the consent and advice of the village council, the said W. H. Meyer, as treasurer, deposited the said funds so coming into his hands in the Citizens' bank of Ada, Ohio; and that the said bank was regarded by said W. H. Meyer, the village council and the citizens of Ada generally, as a safe and reliable banking institution, and which, owing to financial stringency, was compelled to make a general assignment for the benefit of creditors on the 15th of July, A. D. 1893; and

WHEREAS, Two hundred and thirty of the qualified electors and taxpayers of said corporation have petitioned this general assembly for an act to relieve said treasurer and the sureties on his official bond;

WHEREAS, The trustee of said bank certified that in his own assets of said bank will, upon final settlement, pay seventy-five per cent. of its liabilities; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said W. H. Meyer and the sureties on his official bond as treasurer as aforesaid, be and are wholly relieved and released from payment to the treasurer of said corporation aforesaid, or to the sureties thereof, of whatever part of the two hundred and two dollars and one cents that shall remain due said W. H. Meyer as treasurer from the Citizens' bank of Ada, Ohio, upon the final settlement

affairs of said bank, and they and each of them shall be relieved and released from any and all liability for said sum. And the trustees of said bank are hereby authorized and directed to pay to the treasurer of said corporation all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
219L

[House Bill No. 541.]

### AN ACT

to authorize the board of education of Caesar's Creek township, Greene county, Ohio, to borrow money and issue a bond to provide for a deficiency in the tuition fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Caesar's Creek township, Greene county, Ohio, be and it is hereby authorized to borrow a sum of money not to exceed in an amount five hundred dollars (\$500), for the purpose of meeting and providing for a deficiency in the tuition funds of said board.

SECTION 2. That for the purpose aforesaid, the said board of education is hereby authorized to issue a bond in the amount of five hundred dollars (\$500), to be signed by the president and attested by the clerk of the board; said bond shall be made payable in one year and bear interest at the rate of six per cent. per annum, and be sold in such manner as the board may direct at not less than its par value.

SECTION 3. Said board shall cause the necessary taxes to be levied to pay the principal and interest of said bond when the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
220L

[House Bill No. 553.]

### AN ACT

to amend an act entitled "An act to authorize the commissioners of Mahoning county to build a bridge across the Mahoning river," passed April 16, 1890 (O. L., vol. 87, p. 557), as supplemented March 28, 1892 (O. L., vol. 89, p. 554), as amended March 22, 1893 (see local laws).

HEREAS, Certain private subscriptions were made for the purpose

the county commissioners of Logan county, Ohio, to purchase grounds for the purpose of erecting or constructing a monumental and army building thereon," passed April 13, 1868, be amended so as to read as follows:

Sec. 1. That the board of county commissioners of Logan county, Ohio, be and they are hereby authorized and empowered to purchase or lease such real estate in the village of Bellefontaine, in said county, either with or without building thereon, as in their judgment they may deem necessary for the purpose of constructing or erecting a soldiers' memorial and school examiners' building thereon.

Sec. 2. That upon the purchase or lease of such grounds, said board of county commissioners are authorized to cause to be constructed or erected a suitable building or buildings for soldiers' memorial building, as well as a school examiners' building thereon.

SECTION 2. That said sections 1 and 2 of said act be and the same are hereby repealed, and this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

218L

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[House Bill No. 502.]

## AN ACT

For the relief of W. H. Meyer, treasurer of the incorporated village of Ada, Ohio

WHEREAS, W. H. Meyer was duly elected and qualified as the treasurer of the incorporated village of Ada, Hardin county, Ohio, for the years 1892 and 1893, and by virtue of his office, sums of village funds came into his possession; and that by and with the consent and knowledge of the village council, the said W. H. Meyer, as treasurer, deposited the said funds so coming into his hands in the Citizens' bank of Ada, Ohio; and that the said bank was regarded by said W. H. Meyer, the village council and the citizens of Ada generally, as a safe and reliable banking institution, and which, owing to financial stringency, was forced to make a general assignment for the benefit of creditors on the 18th day of July, A. D. 1893; and

WHEREAS, Two hundred and thirty of the qualified electors and taxpayers of said corporation have petitioned this general assembly to pass an act to relieve said treasurer and the sureties on his official bond; and

WHEREAS, The trustee of said bank certified that in his opinion the assets of said bank will, upon final settlement, pay seventy-five to eighty per cent. of its liabilities; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said W. H. Meyer and the sureties on his official bond as treasurer as aforesaid, be and are wholly relieved and released from the payment to the treasurer of said corporation aforesaid, or to the officers thereof, of whatever part of the two hundred and two dollars and sixty-one cents that shall remain due said W. H. Meyer as treasurer aforesaid, from the Citizens' bank of Ada, Ohio, upon the final settlement of the

affairs of said bank, and they and each of them shall be relieved and released from any and all liability for said sum. And the trustees of said bank are hereby authorized and directed to pay to the treasurer of said corporation all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
219L

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[House Bill No. 541.]

### AN ACT

To authorize the board of education of Caesar's Creek township, Greene county, Ohio, to borrow money and issue a bond to provide for a deficiency in the tuition fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Caesar's Creek township, Greene county, Ohio, be and it is hereby authorized to borrow a sum of money not to exceed in an amount five hundred dollars (\$500), for the purpose of meeting and providing for a deficiency in the tuition funds of said board.

SECTION 2. That for the purpose aforesaid, the said board of education is hereby authorized to issue a bond in the amount of five hundred dollars (\$500), to be signed by the president and attested by the clerk of the board; said bond shall be made payable in one year and bear interest at the rate of six per cent. per annum, and be sold in such manner as the board may direct at not less than its par value.

SECTION 3. Said board shall cause the necessary taxes to be levied to pay the principal and interest of said bond when the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
220L

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[House Bill No. 553.]

### AN ACT

Supplementary to an act entitled "An act to authorize the commissioners of Mahoning county to build a bridge across the Mahoning river," passed April 16, 1890 (O. L., vol. 87, p. 557), as supplemented March 28, 1892 (O. L., vol. 89, p. 554), as supplemented March 22, 1893 (see local laws).

WHEREAS, Certain private subscriptions were made for the purpose



of defraying a portion of the cost of constructing the East Federal street bridge, in the city of Youngstown, which subscriptions were conditional upon the vacation of a portion of Himrod avenue in said city; and whereas, said condition not having, as yet, been complied with, said subscriptions to the amount of \$12,000 have not been paid; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of enabling the commissioners of said county to pay the balance of the cost of constructing said bridge and its approaches, now due and unpaid, said commissioners be and they are hereby authorized and empowered to issue the bonds of said county, not to exceed the sum of \$12,000. Said bonds to be issued in denominations of not less than \$500, nor more than \$1,000 each, payable at such times as said board of commissioners may fix, not exceeding seven years from the date of their issue, and bearing interest at a rate not to exceed five per cent. per annum; and said board is hereby authorized to negotiate and sell said bonds as provided by law, provided, said bonds shall not be sold for less than their par value.

SECTION 2. For the purpose of providing money for the payment of the principal and interest of said bonds, herein authorized to be issued, the commissioners of said county are hereby authorized to levy a tax on all the taxable property of the said county, not exceeding two-tenths of one mill on the dollar, in addition to all other taxes now authorized by law to be levied on such property.

SECTION 3. And said commissioners are hereby authorized to credit to the general fund of said county, whatever money shall hereafter be paid in, or collected upon the subscriptions referred to in the preamble to this act, when and as the same shall be received.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

221L

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[House Bill No. 567.]

## AN ACT

To authorize the incorporated village of Green Springs, Seneca and Sandusky counties, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Green Springs, Seneca and Sandusky counties, be and is hereby authorized to transfer five hundred dollars from the general fund to the fire fund; also, to transfer one hundred dollars from the general fund to the street light fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
 222L

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[House Bill No. 615.]

### AN ACT

To amend section 4 of an act entitled "An act to authorize the commissioners of Cuyahoga county to issue the bonds of said county for certain purposes therein named, and to levy a tax for the redemption thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of an act entitled "An act to authorize the commissioners of Cuyahoga county to issue the bonds of said county for certain purposes therein named and to levy a tax for the redemption thereof" be amended so as to read as follows:

Sec. 4. That no franchise shall be granted to any street railroad company to pass over said bridge until said company receiving such grant or permission shall enter into an agreement with the county commissioners of Cuyahoga county to pay to said county for the use of said bridge such an annual rental as said commissioners may deem satisfactory, and no grant made herein shall give to any street railroad company the exclusive use of the tracks on said bridge. All revenues derived from any such rental shall be placed to the credit of the bridge fund of said county. Said commissioners may regulate the rate of speed of the cars passing over said bridge.

SECTION 2. That said original section 4, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
 223L

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[House Bill No. 621.]

### AN ACT

To authorize the commissioners of Franklin county, Ohio, to appropriate and use moneys in bridge fund for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Franklin county be and are hereby directed, authorized and empowered to appropriate and use from

any money in the bridge fund, not heretofore appropriated and used, a sum not to exceed twenty-five hundred dollars, for excavating and improving the Lockbourne road through what is known as Baker's hill, in said county, and said commissioners are hereby authorized, if necessary, to make a levy as now allowed by law for a bridge fund not to exceed one-twentieth of a mill, for the year 1894, on the duplicate of Franklin county, to apply on said improvement.

SECTION 2. This act shall be in effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

224L

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[House Bill No. 629.]

## AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county hereby are authorized, when in their judgment the best interest of the public requires, and the resident land owners along the route of road hereinafter named shall secure to the county all the rights of way, and all the earth, gravel and stone necessary to the construction of said road, free of costs and expense to the county, to construct a free turnpike, and for such purpose they are authorized to employ, at a reasonable compensation, a competent engineer or superintendent, to superintend the building of the same, and along the following route: Beginning at the village of Buchanan in said county, thence westerly along the proposed route of the Buchanan and Cynthiana free turnpike to a point in the Bainbridge and Jasper road, thence northerly along said road or as near the same as may be most convenient to a point in the Ross county line near the village of Cooper-ville, Ross county.

SECTION 2. That for the purpose of building said road, and to obtain the money therefor, the commissioners shall have the right, when they have determined to build said road, to issue the bonds of said county, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such dates and times as the commissioners may deem best, to bear interest at a rate not greater than six per cent., and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and the interest thereon, as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar, annually, of the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act, all duties not herein set forth, shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
 225L

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[House Bill No. 665.]

### AN ACT

To pay for moving the bodies of and coffins for unclaimed dead in Hamilton county from August, 1889, to January, 1893.

WHEREAS, The coroner of Hamilton county obtained from Peter Rebold, transportation of corpses of unclaimed dead to and from the morgue at Cincinnati, and coffins for, and interment of the same, from August 9, 1889, to January 1, 1893, and audited and approved the bills therefor, but by reason of there being no fund provided out of which to discharge the said bills, no part of the same have been paid, and said services and material were indispensable to the public and in justice should be paid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, are hereby authorized to audit said accounts for said services and coffins, and ascertain the amount justly and reasonably due therefor, and to appropriate from the general county fund a sum sufficient to pay said claim, as found by them, not exceeding twelve hundred and sixty-four dollars, with interest, payable out of the county treasury on the warrant of the auditor, which shall be issued to said Peter Rebold on the certificate of the said commissioners.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
 226L

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[House Bill No. 672.]

### AN ACT

To authorize the commissioners of Clermont county to construct a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county are hereby authorized to construct a free turnpike road along and upon the county road beginning at the county line of Clermont and Brown counties where the New Hope and Bethel free turnpike road terminates thence along said county

road to the county road leading from Georgetown to Bethel, Ohio, a distance of about one and one-fourth miles.

SECTION 2. That said commissioners shall, before proceeding to construct said road or any part of same, require and secure from those interested in said pike, a subscription or donation, equal in amount to 20 per centum of the cost of said improvement, to aid in the construction of the same.

SECTION 3. That for the purpose of paying the 80 per cent. of said improvement, the county commissioners are hereby authorized to levy and assess a tax not exceeding three-tenths of one mill on the dollar, on any and all property upon the tax duplicate in said county.

SECTION 4. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
227L

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[House Bill No. 686.]

### AN ACT

To authorize the trustees of Pleasant township, Hardin county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Pleasant township, Hardin county, be and are hereby authorized to transfer the sum of one thousand dollars from the poor fund to the township fund of said township.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
228L

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[House Bill No. 694.]

### AN ACT

To authorize the trustees of Marion township, Morgan county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Marion township, Morgan county, Ohio, be and the same are hereby authorized to transfer one hundred and nine and  $\frac{22}{100}$  (\$109.22) dollars from the poor fund, and one hundred (\$100) dollars from the ground hog fund, to the township fund.

SECTION 2. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
229L

[House Bill No. 697.]

## AN ACT

Authorizing the council of the incorporated village of Corning, Perry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Corning, Perry county, Ohio, are hereby authorized to transfer the following sums of money: Fourteen hundred dollars (\$1,400) from the marshal and police fund to the fire fund and four hundred and fifty dollars (\$450) from the general fund to the fire fund.

SECTION 2. That this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

230L

[House Bill No. 700.]

## AN ACT

To change the name of Ralph Francis Collins, to Ralph Evans Warwick.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Ralph Francis Collins, a resident of Cuyahoga county, be and the same is hereby changed to Ralph Evans Warwick.

SECTION 2. That such change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 4, 1894.

231L

[House Bill No. 710.]

## AN ACT

To authorize the trustees of Perry township, Wood county, Ohio, to transfer funds

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Perry township, Wood county, Ohio, be and they hereby are authorized to transfer the sum of four hundred (\$400) dollars from the poor fund to the expense fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
232L

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[House Bill No. 711.]

AN ACT

To authorize the trustees of Conneaut township, Ashtabula county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Conneaut township, Ashtabula county, Ohio, be and they are hereby authorized and empowered to transfer (\$300) three hundred dollars from the town hall fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 4, 1894.  
233L

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[Senate Bill No. 153.]

AN ACT

To authorize the commissioners of Adams county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, Ohio, be and they are hereby authorized to construct the following free turnpike road, to wit: To be known as the Winchester and Seman free turnpike, beginning at a point in the Winchester and Buck run free turnpike, one mile from Winchester, and following on or near the road formerly known as the Winchester and Mt. Leigh road, to a point on the Youngsville and Buck run free turnpike, where Martin's lane strikes said road, about one-half mile north of Seman, Ohio.

SECTION 2. Said commissioners may, in their discretion, order at once the building of said road; but before ordering said road, shall require donations of not less than twenty per centum of the estimated cost thereof, and may issue bonds for the construction of same, bearing six per cent. interest, which shall not be sold for less than their face value, and may levy a tax not exceeding two mills on the dollar, annually, on all the taxable property of said county for the purpose of paying said bonds and the interest thereon.

SECTION 3. A majority of said commissioners may, at any regular or special session, agree on plans and specifications, and order said improvement or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
234L

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[Senate Bill No. 206.]

### AN ACT

For the relief of Alexander Ray and others:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Cuyahoga county be and they hereby are empowered, when authorized so to do by the court of common pleas of said county, to order the clerk of the court of common pleas of said county to pay to the following named persons or their representatives the following sums: Alexander Ray, \$100; Jason Shaefer, \$100; Herman Mallenbrook, \$200; Frank Murray, \$100; Neils Hanson, \$200; Henry Marckwardt, \$100; Dave Evans, \$200, from the sums of money paid under protest into his hands by said persons in certain proceedings for contempt during the recent strike of street railway employes in the city of Cleveland.

SECTION 2. Upon such order being made by said commissioners, the clerk of said court of common pleas is authorized and directed, and it is hereby made his duty to pay from said moneys to said several persons, respectively, or their representatives, said several sums.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
235L

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[Senate Bill No. 230.]

### AN ACT

To change the name of John Miles Barker to John Barker Stoughton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of John Miles Barker, a resident of Ashtabula county, be and the same is hereby changed to John Barker Stoughton.



SECTION 2. That said change shall in no way affect any existing right, liability or obligation of said person, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.  
236L

[Senate Bill No. 236.]

## AN ACT

To authorize the commissioners of Butler county to issue bonds; prohibit the auditor from issuing orders on exhausted funds, and limiting the application of sections 1024 and 1108.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county containing a city of the third grade *b* of the second class, the county commissioners are hereby authorized and empowered to borrow a sum not to exceed fifty thousand dollars, and to issue the bonds of said county with interest coupons attached therefor; and the money thus derived from the sale of said bonds shall be applied to replenish the county fund, for the payment of deficiencies in the county fund, and for the redemption of bonds and interest, and to no other purpose.

SECTION 2. Said bonds shall be in denominations of not less than five hundred nor more than five thousand dollars, and shall be signed by the county commissioners, or any two of them, countersigned by the county auditor, and sealed with the county seal of said county, and shall be made payable at the county treasury of said county, at such time within thirty years after the date of issue thereof, as the county commissioners may determine and prescribe; said bonds shall bear a rate of interest not exceeding five per cent. per annum, payable semi-annually, and attested by interest coupons signed by the auditor, and payable of [on] the first day of January and July of each year at the county treasury; said bonds shall be advertised and sold under all the conditions and requirements of section 9437, Giaque's edition of the Revised Statutes.

SECTION 3. That all bonds issued by virtue of this act shall be correctly and consecutively numbered in the order in which they are issued, and shall be registered by the county auditor of said county in the "bond register" of said county. The county treasurer of said county, in his semi-annual settlement with the auditor and commissioners of said county, shall deliver to said auditor and commissioners of said county all interest coupons and bonds by him redeemed, which were issued under this act, and shall receive credit therefor the same as under vouchers issued by such auditor, and said auditor shall have said coupons pasted in a book kept for that purpose, and each bond, when redeemed, shall be also pasted in said book and be safely kept therein.

SECTION 4. That for the purpose of creating a sinking fund for the gradual extinction of the bonds authorized in section one of this act, the commissioners of said county, at their June session, are hereby authorized and required annually, until payment of the bonds be fully provided

for, to levy and collect, in addition to all other taxes of the county, a tax sufficient in amount to pay said bonds and interest, not exceeding one-tenth of one mill per annum upon the taxable property of the county, which tax shall be paid into the treasury and credited to the sinking fund for the extinguishment of said bonds, and to no other purpose whatever, and said commissioners, auditor and treasurer are hereby expressly prohibited from transferring said fund, or any part thereof, to any other fund.

SECTION 5. That if the commissioners of said county refuse or neglect to levy such tax regularly, as herein provided, the county auditor shall levy such tax upon the taxable property of said county, and place the same upon the tax list.

SECTION 6. No resolution or order for the payment of or for the appropriation or expenditure of money, shall be passed by the board of county commissioners or any officer of said county, unless the auditor of said county shall first certify that the money required to pay the appropriation or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose; which certificate shall be filed and immediately recorded. All resolutions or orders passed contrary to the provisions of this section shall be void; and the auditor of said county shall not issue any warrant upon the county treasurer unless there is money to the credit of the fund sufficient in amount to pay the warrant. And the treasurer of said county is hereby prohibited from indorsing any warrant "not paid for want of funds," as required in section 1108 of the Revised Statutes; and said section 1108, in so far as it is in conflict with this act, is hereby repealed.

SECTION 7. Any and all warrants drawn in violation of the foregoing sections shall be void as against the county; but the members of the board of county commissioners, the county auditor, the county treasurer and their bondsmen shall be liable therefor.

SECTION 8. That section 1024, and all other sections, in so far as they are in conflict with this act are hereby repealed.

SECTION 9. This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
237L

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[Senate Bill No. 252.]

## AN ACT

To authorize the school board of Brookville special school district, Montgomery county, Oh o. to issue bonds and borrow money to purchase site and erect and furnish a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Brookville special school district, in Montgomery county, Ohio, be and is hereby authorized to issue the bonds of said district, and sell the same, not to exceed thirteen thousand

dollars, and to use the proceeds thereof in purchasing a site and building and furnishing a school-house in said district.

SECTION 2. Said bonds shall be in denominations of not less than five hundred (\$500) dollars, nor more than one thousand (\$1,000) dollars each, bearing interest at a rate not exceeding six (6) per cent. per annum, to be paid annually, and to run such length of time not exceeding ten (10) years as may be determined by said school board, and shall not be sold for less than their par value. Said bonds shall be signed by the president and clerk of said board, upon the resolution of the board, and a complete record of the same shall be kept by the clerk.

SECTION 3. Said board of education in addition to all other taxes authorized to be levied by law shall cause the necessary taxes to be levied to pay the interest on said bonds, and to pay the principal thereof, as the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
238L

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[Senate Bill No. 255.]

### AN ACT

To change the name of Henry Gross-Wordemann.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Henry Gross-Wordemann, a resident of Cincinnati, Hamilton county, Ohio, be and the same is hereby changed to that of Henry Wordemann.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
239L

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[Senate Bill No. 280.]

### AN ACT

To authorize the county auditor of Adams county to make sale in May, 1894, of the forfeited lands and lots in Adams county.

WHEREAS, By inadvertence and mistake, the county auditor of Adams county, Ohio, failed and omitted in 1893 to cause the list of for-

feited lands and lots of his county, together with notice of the sale thereof, to be published as required by section 2904, Revised Statutes, as amended April 27, 1893 (O. L., 90, p. 349); and

WHEREAS, The list of forfeited lands and lots in said Adams county, transmitted from the auditor of state to the county auditor of said Adams county, was delayed in the mail so long that the said list and notice of sale can not be published in time for sale on the second Monday of April, 1894, as authorized and required by section 2904a, Revised Statutes of Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of the county auditor of Adams county, Ohio, and he is hereby required, if the taxes and penalties charged upon lands and lots in his county heretofore forfeited to the state for non-payment of the taxes thereon shall not have [been] paid before the twenty-fifth day of March, 1894, to forthwith, after said twenty-fifth day of March, cause said list, together with notice of sale thereof, to be published in all respects as required in section 2904, as amended April 27, 1893, saving and excepting that such notice shall specify that sale will begin on the second Monday in May, 1894, instead of the second Monday of December.

SECTION 2. That hereafter all sales of forfeited lands and lots in said Adams county, Ohio, shall be held at times and as required by section 2904, Revised Statutes of Ohio, and supplementary sections thereto and the amendments thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.

240L

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[Senate Bill No. 295.]

### AN ACT

To authorize the incorporated village of Georgetown, Brown county, Ohio, to borrow money and issue bonds therefor, to be used for the purpose of purchasing a site and erecting buildings thereon for an electric light plant, and for such other uses and purposes as the council may deem for the best interests of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Georgetown, Brown county, Ohio, be and hereby is authorized and empowered to borrow money, not exceeding ten thousand dollars, to be used in the purchase of a site and erection thereon of buildings suitable for an electric light plant, the purchase of the necessary machinery for operating the same, and for such other uses and purposes as said council may deem best for the interest of said village. And said council is hereby authorized and empowered to issue coupon bonds of said village for the money so borrowed; said bonds shall be in such denominations and payable at such times, not exceeding fifteen years, as council shall determine, and

shall bear interest not exceeding six per centum per annum, payable semi-annually upon presentation of the proper coupons; and said council is hereby authorized to sell said bonds, at either public or private sale, at not less than their par value; provided, that no such purchase shall be made, money borrowed, nor bonds issued as herein provided until a petition signed by not less than two-thirds of the taxpayers of said village shall be presented to the council thereof asking for the issuing of said bonds for the purposes herein provided.

SECTION 2. Upon the presentation of any such petition, if said council shall deem it necessary that the improvement and expenditure be made as prayed for in said petition, and shall by resolution so declare, then said improvement may be made, money borrowed and bonds issued as herein provided.

SECTION 3. For the purpose of paying said bonds and the interest thereon, or for creating a sinking fund for the final redemption thereof, said council is hereby authorized and empowered to annually levy a tax on all the taxable property of said village, not exceeding two mills on the dollar, in addition to all other taxes authorized by law. Said council shall, annually, publish a detailed statement of the receipts and expenditures occasioned by the provisions of this act.

SECTION 4. All property acquired by said village by virtue of the provisions of this act shall be controlled, and may be leased or sold in such manner as said council may provide by ordinance.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.

241L

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[House Bill No. 317.]

### AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to grade, macadamize and improve the county road in Delhi township, commonly called Rapid run.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and are hereby authorized, to assess and collect upon the grand levy of the taxable property of said county a tax of two-tenths of one mill on the dollar, one-half of which shall be assessed and collected on the tax duplicate of 1894, or thereafter and the remaining half on the tax duplicate of 1895, or thereafter and be applied to the grading, macadamizing and improving the county road in Delhi township, known as the Rapid run road, beginning at the corporate limits of the city of Cincinnati, thence running west, at or near the half section line in section six in Delhi township, to the intersection of the Rapid run turnpike at Henry Lackman's property, to the full width of sixty feet; thence again beginning at the North Bend road in the village of Delhi in section 35; thence northeast through

said section; thence northeast to the southeast part of section 33; thence northeast through section 30; thence southeast through section 24, along said road to the south line of the north half of section 24; thence east along said line to the county road in the northeast quarter of section 24; thence southeast along said county road to the commencement of the Rapid run turnpike at Nicholas Bachscheider's corner; provided, any balance remaining to the credit of said fund raised under the provisions of this act, after the completion of said improvement, shall be reserved by said commissioners for the benefit of said road.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
242L

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[House Bill No. 421.]

### AN ACT

To authorize the council of the village of Hamden, Vinton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Hamden, Vinton county, Ohio, be and they are hereby authorized to transfer the sum of two hundred dollars (\$200) from the fire department fund to the general expense fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 5, 1894.  
243L

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[House Bill No. 514.]

### AN ACT

To amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15 of an act entitled "An act to require the county commissioners in counties containing a city of the second grade of the first class to provide a depository for the county funds and for other purposes," passed April 13, 1888.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15 of an act entitled "An act to require the county commissioners in counties containing a city of the second grade of the first class to provide a depository for the county funds and for other purposes," be so amended as to read as follows:

Sec. 1. That in each county containing a city of the second grade of the first class it shall be the duty of the county commissioners to designate in the manner hereinafter provided, a bank or banks situated in the county and duly incorporated under the laws of this state or of the United States, as a depository or depositories of the money of the county.

Sec. 2. That upon the taking effect of this act and every three or six years thereafter, the commissioners shall publish in one daily newspaper published and of general circulation in the city and county, on the second day of the week, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate:

*First.* The rate of interest they will pay respectively for the use of one-third of the money aforesaid for the period of three years.

*Second.* The rate of interest they will pay respectively for the use of two-thirds of the money aforesaid for the period of three years.

*Third.* The rate of interest they will pay respectively for the use of all of the money aforesaid for the period of three years.

*Fourth.* The rate of interest they will pay respectively for the use of one-third of the money aforesaid for the period of six years.

*Fifth.* The rate of interest they will pay respectively for the use of two-thirds of the money for the period of six years.

*Sixth.* The rate of interest they will pay respectively for the use of all of the money aforesaid for the period of six years. They shall also cause a copy of said notice to be mailed to each of said banks at least five days before the opening of said bids or proposals. Each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case its proposal be accepted.

Sec. 3. On the Monday following the last publication of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals and shall award the use of such money to the bank or banks offering the highest rate of interest therefor, or such commissioners may, if it be deemed, for the best interests of the county, accept or reject any or all proposals, and it may readvertise for others.

Sec. 4. No such award shall be binding upon the county, nor shall any of the money of the county be deposited thereunder until there is executed by the bank or banks selected and accepted by the commissioners good and sufficient undertakings payable to the county, and to be recovered in the name of the county commissioners for the use of the county, in a sum not less than four hundred thousand dollars; such undertakings shall each be signed by at least six freeholders of the city, to the satisfaction of said commissioners, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of this proposal, and the award of said commissioners, together with the interest thereon at the rate specified in the proposal, and they shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depository of such money.

Sec. 5. The undertakings provided for herein shall not be accepted by the commissioners until the prosecuting attorney shall certify thereon

that the same are in due and legal form and conformable to the provisions of this act; and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners within five days from the time the award is made, the commissioners may award the use of the money to any other bank or banks whose written proposal offers the same or the next highest rate of interest therefor, or the commissioners may, in case of default as aforesaid, reject said bid and advertise for others in the manner aforesaid.

Sec. 6. The bank or banks to which awards are made shall, upon the acceptance by the commissioners of the undertakings provided for herein, and upon the expiration of the period for which such money may, on the passage of this act, be deposited, become the depository or depositories of the money of the county, and remain such until the undertakings of their successor or successors are accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank or banks in such sum as they shall designate, and if any bank refuse or neglect for the period of five days thereafter to give such additional security, the commissioners may order the removal of the county's deposit therefrom forthwith, and may designate some other bank or banks to be the depository or depositories thereof temporarily at such rate of interest or without interest, as they may determine. Such removal and all other removals under the provisions of this act shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant and the county treasurer his check for the removal. Any bank designated as a depository temporarily shall, before the receipt by it of any such money, enter into an undertaking as required by preceding sections; but if no bank be so designated, the money shall be disposed of as provided in section 8 herein.

Sec. 7. The commissioners may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid, interest-bearing bonds of the county, or of the city in which the depository or depositories are located, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bonds shall be the property of the county in case of any default on the part of the bank in its capacity as depository as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe-keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank, so long as it is not in default as aforesaid.

Sec. 8. If at any time for any cause the commissioners of any such county are unable to secure a depository, as provided by preceding section, for the whole or a portion of the money of the county, the same shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depository and its removal be ordered, it shall be



removed to the county treasury in the manner provided in section 6 for removals, and in either case the treasurer shall be the custodian thereof until such time as a depositary or depositaries are secured in accordance with the provisions of this act, and while he remains such custodian the money shall be paid out by him on warrants of the auditor, which in such case shall not be in duplicate; and during such time he shall keep such books and make to the auditor such statements of receipts and payments as are required in case the money of the county is in the custody of a depositary designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depositary.

Sec. 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depositary or depositaries have been selected in pursuance of the provisions of this act, and naming the bank or banks so selected, deposit to the credit of the county, in quantities proportionate to the awards made upon the proposals of said bank, all money in his possession, except as provided in section 14, in the bank or banks constituted the depositary or depositaries as aforesaid, and thereafter he shall, before noon of each business day, deposit as aforesaid all money received by him the preceding business day, except as provided in section 14; and such money shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written on the same paper therewith a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn. All warrants issued by the auditor upon the treasurer for the payment of money, except as provided in section 14, and also when the money of the county is in the custody of the treasurer, shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section 1108 of the Revised Statutes; but when any fund is exhausted and the commissioners are satisfied that of the undivided money on hand, received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is an amount such that a part of it may judicially [judiciously] be assigned to such exhausted fund in advance of such distribution, they may make an order directing such an assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with any such depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. Each depositary shall notify the auditor in writing before noon of each business day of the amount of deposits made by the treasurer for the preceding business day, and when the interest is credited to the county each depositary shall notify the auditor and treasurer in writing of the amount thereof before noon of the next business day, and all such interest shall be credited to the general fund of the county.

Sec. 10. Each business day the treasurer shall make to the auditor a sworn statement showing for the preceding business day the total

amount of money received by him, the total amount deposited in each depository, the total amount paid by check on a depository, the total amount paid out in cash, the balance in each depository and the balance in the treasury, and he shall keep such accounts in books to be provided for that purpose as shall enable him to make such statements. All money paid to the treasurer except for taxes, and except also money received from the state treasury, shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each duplicate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury, the triplicate warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provided for; and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall, at the close of each business day, file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

Sec. 11. The auditor shall keep in his office books in which shall be entered the daily receipts of the treasurer's office, as shown by the duplicate receipts returned him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in each depository, as shown by the daily statements of the depositories to the auditor, and the amount remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all or a portion of the money, as shown by the treasurer's daily statements received by him, and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled "the undivided tax account" and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of all warrants issued by him each day to the treasurer, and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes and the balance of money received from the state treasurer and on account of school lands, each day, in his hands, and in the hands of the depositories respectively. Whenever two or more banks are under the provisions of this act selected as depositories, it shall be the duty of the auditor to so draw his warrants that the money in the depository paying the least rate of interest shall be first exhausted.

Sec. 13. Except as provided in sections eight and fourteen the treasurer shall not pay out any money otherwise than by check on a depository as provided in section nine. But before he issues a check in payment for [of] any draft made upon him by the auditor of state in favor of the treasurer of state, he shall exhibit such draft to the county auditor and file with him a certified copy thereof, and the auditor shall thereupon issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and before he remits to the treasurer of state any money on account of school lands he shall notify the auditor in writing of his readiness to do so, and the auditor shall file such notice and issue his warrant authorizing the treasurer to draw his check for the

amount upon a depository, but if the money be in custody of the treasurer instead of a depository the same proceeding shall be had except that the warrants of the auditor shall authorize the payments otherwise than by such check.

Sec. 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of the receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon a depository for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

Sec. 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also the balance of money in the depository or depositories, the balance in the treasury in pursuance of section fourteen, and, if the money of the county be in the custody of the treasurer instead of a depository, the total balance thereof in the treasury; and the commissioners shall place such statement on file, and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public.

SECTION 2. That said original sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of October, 1894.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 5, 1894.

244L

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[House Bill No. 689.]

### AN ACT

To authorize the trustees of Painesville township, Lake county, Ohio, to manage and control a cemetery herein described.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Painesville, in the county of Lake and state of Ohio, be and they are hereby authorized and required to take the care and control of certain lands in said township of Painesville known as the Blish cemetery, and which are described as follows: Being a part of lot number forty-five (45) in tract number four

(4) in said township and is bounded on the east by lands of Ann McMacken, on the south by lands of Ann McMacken and George W. Nye on the west by lands of George W. Nye and on the north by Mentor street and containing one and  $\frac{40}{100}$  acres of land more or less, and said township trustees and their successors in office are hereby authorized and required to manage and care for said cemetery in all respects as they are required to care for township cemeteries by the general laws of the state of Ohio.

SECTION 2. That said trustees and their successors in office are also authorized and empowered to receive donations therefor, and to invest and reinvest the same as a perpetual fund, and apply the income therefrom towards the maintenance and improvement of such cemetery.

SECTION 3. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.

245L

[House Bill No. 717.]

### AN ACT

To authorize the board of education of Wayne township, Auglaize county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Wayne township, Auglaize county, be and is hereby authorized to transfer the sum of one hundred dollars from the contingent fund to the tuition fund of joint subdistrict number one (1) of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.

246L

[House Bill No. 725.]

### AN ACT

To change the name of William C. Holloway to William C. English.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William C. Holloway, of Hamilton county, Ohio, be and the same is hereby changed to William C. English, provided however that such change shall in no way affect his legal obligations.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 5, 1894.

247L

[House Bill No. 542.]

### AN ACT

To amend section 10 of an act entitled "An act to amend an act entitled 'an act to authorize the commissioners of Guernsey county to construct free turnpike roads,' passed March 21, 1887, and to supplement the same," passed March 17, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 10 of an act entitled "An act to authorize the commissioners of Guernsey county to construct free turnpike roads," passed March 21, 1887, and to supplement the same, be amended so as to read as follows:

Sec. 10. And such counties, with population as aforesaid, shall be and are hereby created a special road district for the purpose of opening, improving, changing or altering and repairing all public highways which are laid out and established therein, and each township in any such county, with population as aforesaid, is hereby created a sub-special road district. The electors of each sub-special road district shall, on the first Monday of April of each year, elect two supervisors for each sub-special road district, who shall have all the rights, perform all the duties and be subject to all the liabilities provided for by chapter 5, title 7 of the Revised Statutes. Such sub-special road district supervisors so elected shall receive two (\$2) dollars per day for every day's service in the performance of their duties as such supervisors of roads, and shall give bond payable to the township trustees for the benefit of the state of Ohio, in the sum of five hundred (\$500) dollars, conditioned for the faithful performance of their duties. And in the counties enumerated in this act the office of road supervisor is abolished, and the trustees shall include in their notice of election for township officers the office of sub-special road district supervisor.

SECTION 2. Said section 10, passed March 17, 1893, entitled as aforesaid, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 10, 1894.

248L

[ House Bill No. 607.]

## AN ACT

To authorize the board of education of Huntington township, Ross county, Ohio, to provide for a deficiency in the funds of said school board.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the township of Huntington, Ross county, Ohio, for the purpose of meeting and providing for a deficiency in the funds of said school board, be and is hereby authorized to issue the bonds of said township not to exceed twelve hundred dollars; said bonds shall bear interest not to exceed six per cent. per annum, payable semi-annually, and shall be of such denominations and become due at such times, not exceeding six years from date, as the said board may determine, and shall not be sold for less than their par value, and as provided by law; the proceeds arising from the sale of said bonds shall be apportioned to the funds of said board of education as may be determined by said board.

SECTION 2. The board of education of said Huntington township is hereby authorized to levy a tax annually, in addition to the taxes now authorized by law, on all the taxable property of said school district, sufficient to pay the principal and interest on said bonds, as the same become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 10, 1894.

249L

[ House Bill No. 623.]

## AN ACT

To authorize the board of education of Harrisonville special school district, of Scipio township, Meigs county, Ohio, to issue bonds for the purpose of building a school-house and furnishing the same, in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Harrisonville special school district, of Scipio township, Meigs county, Ohio, be and are hereby authorized to borrow money and issue bonds therefor, signed by the president and clerk of said board, not exceeding two thousand dollars (\$2,000), to be paid in annual instalments of two hundred dollars, at a rate of interest not to exceed six per cent. per annum, and sold at not less than their par value, for the purpose of building a school-house and furnishing the same, in said district.

SECTION 2. Said board of education shall annually thereafter cause the necessary tax to be levied on the taxable property in said district, to pay the interest on said bonds and to pay the principal thereof, as the same shall become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
250L

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[House Bill No. 624.]

### AN ACT

To authorize the board of education of Pageville special school district, of Scipio township, Meigs county, Ohio, to issue bonds for the purpose of building a school-house and furnishing the same, in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Pageville special school district, of Scipio township, Meigs county, Ohio, be and are hereby authorized to borrow money and issue bonds therefor, signed by the president and clerk of said board, not exceeding two thousand (\$2,000) dollars, to be paid in annual instalments of two hundred dollars, at a rate of interest not to exceed six per cent. per annum, and sold at not less than their par value, for the purpose of building a school-house and furnishing the same, in said district.

SECTION 2. Said board of education shall annually thereafter cause the necessary tax, in addition to that authorized by law, to be levied on the taxable property in said district, to pay the interest on said bonds and to pay the principal thereof, as the same become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
251L

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[House Bill No. 704.]

### AN ACT

To authorize the trustees of Canton township, Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Canton township, Stark county, Ohio, be, and they hereby are, authorized to transfer the sum of one thousand (\$1,000) dollars from the general township fund to the poor fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
252L

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[House Bill No. 310.]

### AN ACT

To divide Perry township, Wood county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Perry township, Wood county, Ohio, be and the same is hereby divided into two election precincts for all purposes authorized by law, as follows: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20 and 21, shall constitute and be known as the north precinct of said township, with place of holding elections at West Mill Grove village in said township; and that sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 shall constitute and be known as the south precinct of said township, with place of holding elections at such place therein as may be determined and designated by the board of elections of Wood county, Ohio.

SECTION 2. That this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
253L

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[House Bill No. 395.]

### AN ACT

To authorize the board of education of Monroe township school district, Perry county, Ohio, to borrow money and issue bonds to provide for a deficiency in the contingent fund thereof, and to finish and furnish a school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Monroe township school district, Perry county, Ohio, be and is hereby authorized to borrow money not to exceed the sum of twenty-five hundred dollars (\$2,500) and to issue the bonds of said township school district therefor, for the purpose of meeting and providing for a deficiency in the contingent funds of said school district and for finishing and furnishing a school building.

SECTION 2. Said bonds shall be signed by the president and attested by the clerk of the board of education of said township district, and shall



be of denominations of not less than one hundred nor more than six hundred dollars, bearing interest at a rate not exceeding six per centum per annum, payable annually. Said bonds shall be payable at such time or times, not exceeding six years from the date thereof, as said board may determine, and the same shall not be sold for less than their par value. and said board shall levy annually such tax as is necessary to pay the said bonds as they become due and all accrued interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
254L

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[House Bill No. 404.]

### AN ACT

Appointing the city of Marietta, Ohio, trustee, to take possession, charge and control as trustee for all the inhabitants residing in the Ohio company's purchase of the "stone-quarry lot" in said city.

WHEREAS, The Ohio company of associates, by action duly taken by them on January 8, 1796, as appears by their record, dedicated a portion of mile square lot, No. 35, in township 2 of range 8 of the Ohio company's purchase in Washington county, Ohio, which portion was at the time of such dedication owned in fee simple by said company, and has since been designated in the records of said county as "stone-quarry lot," and is bounded and described as follows:

#### NORTH STONE-QUARRY LOT.

Beginning at the southwest corner of Harmar cemetery, and running thence due west 7 chains; thence north  $1\frac{1}{2}$  degrees east, 4.05 chains; thence north 30 degrees west, 2.20 chains; thence north 77 degrees west, 2.00 chains; thence north 9 degrees east, 1.73 chains; thence north 26 degrees west, 2.24 chains; thence north 50 degrees west, 5.00 chains; thence north 67 degrees west, 5.29 chains; thence north 27 degrees west, 2.74 chains; thence north  $46\frac{1}{2}$  degrees west, 7.70 chains; thence north 65 degrees west, 2.60 chains; thence north 50 degrees west, 0.91 chains; thence in a northeasterly direction to the northwest corner of city lot No. 1,027; thence in a southerly direction along the west boundary of city lots to the northwest corner of city lot No. 1,055; thence due west to the northwest corner of Harmar cemetery; thence due south to the place of beginning.

#### SOUTH STONE-QUARRY LOT.

Beginning at the northwest corner of commons lot No. 26, and running thence due south, 4 chains; thence due west, 3.80 chains; thence due south, 6.22 chains; thence due west, 4.57 chains; thence due north, 16.22 chains; thence due east, 7.97 chains; thence due south, 6.00 chains

to the place of beginning. Such dedication being to all the inhabitants residing within the Ohio company's purchase, with a grant to all of said inhabitants of the privilege of getting stone and other natural productions within said portion of mile square lot No. 35, unmolested forever; and

WHEREAS, Said portion of mile square lot No. 35 lies wholly within the corporate limits of the city of Marietta, Ohio; and

WHEREAS, It is necessary that some proper authority have possession, charge and control as trustee for all the inhabitants residing in the Ohio company's purchase of said dedicated land to the end that the objects of said dedication may be realized and the rights of all parties thereunder may be properly protected and enforced, and that said dedicated lands may be kept free and clear from obstruction, incumbrance, exclusive possession or other interference with the rights therein of the inhabitants residing within the Ohio company's purchase; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city of Marietta, Ohio, be and it is hereby appointed trustee to take possession, charge and control as trustee for all the inhabitants residing in the Ohio company's purchase of said portion of said mile square lot No. 35, so, as aforesaid dedicated by the Ohio company of associates, with full power and authority to bring about and secure the full realization of the objects of said dedication, and to properly protect and enforce the rights of all persons therein, and to keep said dedicated lands clear and free from obstruction, incumbrance, exclusive possession or other interference with the rights therein of the inhabitants of the Ohio company's purchase.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 10, 1894.

255L

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[House Bill No. 537.]

## AN ACT

To authorize the board of education of the city of Defiance, Ohio, to issue and sell the bonds of said city for the purpose of erecting a school building therein, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Defiance, in Defiance county, Ohio, be and said board of education hereby is authorized to issue and sell the bonds of the said city in an amount not exceeding the sum of fifteen thousand dollars (\$15,000), of such denominations, running for such length of time and for such rate of interest not exceeding six per cent. as may be determined upon by said board.

SECTION 2. The money arising from the sale of such bonds shall be used by the said board of education in the erection, completion and furnishing of a public school building in said city, and in the improve-

ment or repair of any school building or school buildings or the grounds thereof within such city.

SECTION 3. Before the said board of education shall sell said bonds or any thereof, thirty days' notice shall be given in one or more newspapers of a general circulation, in the county in which said municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time such bonds shall have to run, with the time and place of sale, and such bonds shall be sold to the highest and best bidder at not less than the par value thereof.

SECTION 4. For the purpose of providing for the payment of such bonds as the same may mature and for the payment of the interest thereon, the said board of education shall levy on all the taxable property of said city such rate of taxation in addition to the taxes now authorized by law as may be necessary for that purpose, and in the sale of such bonds and the use and employment of the proceeds arising therefrom, said board of education shall be governed by existing law in relation thereto, except as otherwise herein provided.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
256L

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[House Bill No. 706.]

### AN ACT

To authorize the county commissioners of Stark county, Ohio, to sell the present fair-grounds and the proceeds to be used for purchasing new grounds and improving same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Stark county be and are hereby authorized and empowered by and with the consent of the majority of the members of the Stark county agricultural society board to sell the present fair-grounds situated in the city of Canton, Ohio, containing twenty-five acres more or less, at private or public sale with such reservations, conditions and terms as the agricultural society may recommend by resolution of the county commissioners, after which sale when made a good and warranty deed shall be made.

SECTION 2. The money from the sale of said grounds shall be placed in the county treasury to the credit of the Stark county agricultural society to be used for the purchase of land for new fair-grounds and erecting necessary buildings and improving the same and for no other purpose.

SECTION 3. Whenever a majority of the members of the agricultural society agree as to the location of new grounds with quantity of land required, price and terms of same, they shall, by resolution, advise the county commissioners, and should a majority of said commissioners

consent to agree to the same they shall purchase and comply with the conditions of said resolution.

SECTION 4. For the payment of said new grounds, the money received from the sale of old grounds and to the credit of the Stark county agricultural society, shall be drawn out of the county treasury by an order from the county commissioners and the deferred payments if any to be used upon the best terms possible for the payment of new grounds. And should there be a balance of money in the county treasury the county commissioners shall draw an order for the same made payable to the order of the president of the Stark county agricultural society, who shall draw and deposit the same with the treasurer of the agricultural society. And should there be any deferred payments the county commissioners shall transfer the same to the president of the society, and when so transferred the society to have the right and power to use or dispose of them upon the best terms possible for the purpose of erecting necessary buildings and improving the same and no other.

SECTION 5. The title of said grounds to be vested in the county, but the Stark county agricultural society to have the absolute use, management and control of same with all the buildings and appurtenances belonging thereto, and the same shall be perpetual or so long as the Stark county agricultural society comply with the laws of the state of Ohio. Provided however, that should the agricultural society deem it to be to their best interest to secure a suitable location before said old grounds could be disposed of, then the society shall have the right to purchase in their own name, provided they use their own funds and have the right to hold and use the same until the old grounds can be disposed of and when so disposed of, it shall be the duty of the county commissioners to fully comply with the provisions of this act, when the society shall immediately transfer and make a deed to the county commissioners as provided in this section, and the society purchasing, improving and holding the new grounds until the old are disposed of. And should the society at any time be able or deem it best to hold fair on new grounds the society will, in no way, forfeit any of its rights, title or interest whatever in the old grounds by reason of abandoning the same. And the society to have the right at any time to remove any or all buildings and fences from the old to the new grounds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
257L

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[House Bill No. 712]

## AN ACT

To authorize the county commissioners of any county containing a city of the second grade of the first class to issue bonds of such county in anticipation of the collection of assessments in certain cases.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State*

*of Ohio*, That the county commissioners of any county containing a city of the second grade of the first class, be, and they are hereby authorized to borrow as hereinafter provided upon the credit of said county, a sum of money sufficient to pay the estimated cost and expense of any improvement to be made under the authority, and in pursuance of an act entitled "An act to supplement section 4637 of the Revised Statutes of the state of Ohio," passed March thirteenth, 1894, and said commissioners shall have authority in anticipation of the collection of any assessment made on account of such improvement to issue bonds, notes or certificates of indebtedness pledging the faith and credit of the said county for the payment of the principal and interest of such bonds, notes or certificates of indebtedness, which interest shall not exceed the rate of 5 per cent. per annum, payable annually; and such bonds, notes or certificates of indebtedness shall not in any case be sold for less than their par value.

SECTION 2. All bonds, notes or certificates of indebtedness issued by virtue of this act shall be signed by said commissioners or any two of them and countersigned by the auditor of said county, and when issued shall have the name of the road or part thereof so to be improved, and for which the same were issued, legibly written or printed on them.

SECTION 3. Said bonds, notes or certificates of indebtedness may be made payable at any time not to exceed ten years from the date of the issue thereof, and may be issued from time to time and in such amounts as the progress of the improvement or the convenience of the said commissioners may require.

SECTION 4. This act shall take effect and be enforced from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
258L

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[House Bill No. 786.]

## AN ACT

To authorize the board of education of certain cities to issue bonds and levy a tax for the purpose of erecting and furnishing school buildings.

[EAST LIVERPOOL.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any city which at the last federal census had, or which at any succeeding federal census may have, a population of not less than 10,950 and not more than 10,960, be and the same is hereby authorized to issue bonds in any sum not exceeding fifty thousand dollars (\$50,000), for the purpose of erecting and furnishing a school building in such city; said bonds to be of such denominations and payable at such place and times, not exceeding forty (40) years from date, as said board of education may determine, and to bear interest at a rate not exceeding five (5) per cent. per annum, payable semi-annually, and not to be sold for less than par value; said board of education is authorized

to levy such tax as may be required to pay the principal and interest of such bonds as the same may mature.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 10, 1894.  
259L

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[Senate Bill No. 276.]

### AN ACT

To provide an official stenographer for the counties of Jefferson and Harrison, in the third subdivision of the eighth judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the judge of the court of common pleas of that part of the third subdivision of the eighth judicial district of Ohio, composed of the counties of Jefferson and Harrison, shall immediately upon the passage of this act, or as soon thereafter as the same can be conveniently done, but not to exceed thirty days from the passage of this act, appoint for said counties an official stenographer, who shall be a resident of one of said counties, and who shall have his office in the court-house of said respective counties, which said office and the necessary stationery for the use of said stenographer shall be furnished by the county commissioners of said respective counties. Said stenographer shall not, during the term of his said office, as provided for in the next section, be the partner, clerk or student of any attorney residing or practicing in either of said counties.

SECTION 2. That such stenographer shall hold his office for the term of three years from and after the date of his appointment, and until his successor shall be appointed and qualified, unless sooner removed by the court for neglect of duty or misconduct or incompetency. Such official stenographer shall, before entering upon the duties of his said office, take an oath that he will faithfully perform the duties of the same. He shall receive a salary of eight hundred dollars, payable quarterly out of the county treasury of the said counties in the following proportions: Five hundred dollars from Jefferson county and three hundred dollars from Harrison county; which salary shall be in lieu of all per diem, fees in circuit, common pleas and probate courts of said counties; and it shall be the duty of each of the auditors of said counties to issue warrants on the treasurer of his county for the payment of its portion of said salary, fixed as aforesaid out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said stenographer.

SECTION 3. It shall be the duty of such stenographer, whenever requested by the parties litigant or the court, to make, or cause to be made, accurate stenographic notes of the testimony of witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may request or direct in all cases actually tried or heard in either of said counties; and the short-

hand notes so taken shall be the property of the county where taken, and preserved in the office of such stenographer; provided, that said stenographer shall always give preference to the common pleas court when in session over either the circuit or probate court, unless he shall be excused from so doing by the judge of the common pleas court then holding said session. It shall be the duty of such stenographer to make, or cause to be made, upon request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in the case, or such portion thereof as may be requested, to be paid for by the party or parties ordering the same; and the costs of said transcript, if used on appeal or error, to be taxed in the costs and adjudged as the court may direct; but no transcript of said notes into longhand shall be paid for out of the county treasury in any case, unless the same shall be ordered by the judge or judges trying the case, for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid out of the county treasury in which such case is tried, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also make from the dictation of the court, when requested to do so, such shorthand notes and transcribe the same as may be requested in preparing opinions, and in charges to juries, without extra charge or compensation therefor.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to the salary provided for in section two of this act, five cents per folio of one hundred words, and when more than one such transcript is ordered at the same time, the fees for making such additional transcript, or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county where received.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
260L

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[Senate Bill No. 291.]

### AN ACT

To change the name of John R. Meriner to John R. Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of John R. Meriner, of Mercer county, Ohio, be changed to that of John R. Williams.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 18, 1894.  
 261L

[House Bill No. 484.]

### AN ACT

To authorize the commissioners of Hamilton county, Ohio, to grade and improve a portion of the Mt. Hope road and construct a bridge, masonry and approaches necessary thereto on said road, situated within Crosby township in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and are hereby authorized to grade and improve the Mt. Hope road and construct a bridge, the masonry and approaches necessary thereto in the line of said improvement; commencing at a point where the Mt. Hope road intersects the New Haven and Harrison road, to a point about three-fourths ( $\frac{3}{4}$ ) of a mile southward to the point where said road is now improved.

SECTION 2. For the purpose of raising money to defray the expenses of grading and improving said road and constructing said bridge, masonry and approaches thereto in the line of said improvement, said commissioners are hereby authorized and empowered to assess and collect upon the total taxable property of said county a tax of one-twenty-seventh ( $\frac{1}{27}$ ) of a mill on each dollar valuation on the grand duplicate of said county for the year 1894.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
 262L

[House Bill No. 572.]

### AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for water-works purposes.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade *a*, wherein water-works have been or hereafter may be constructed, be and



it is authorized and empowered, upon application of the trustees of water-works of such city, to issue, from time to time, bonds of such city, designated "water-works bonds," not exceeding in the aggregate one hundred and ten thousand dollars, for the purpose of buying a new pumping-engine and boilers, and for the purpose of erecting buildings, digging wells, constructing water-mains or pipe-lines, and for making other improvements to the water-works service of any such city.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding five per cent. per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city and be sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purposes for which such bonds are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds issued under authority of this act, as they mature, the council of any such city is hereby authorized and empowered, from time to time, to levy upon all the taxable property of such city, and collect a tax sufficient to pay such principal and interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
263L

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[House Bill No. 631.]

### AN ACT

To authorize the council of the village of Ohio City, Van Wert county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Ohio City, Van Wert county, be allowed to transfer four hundred (\$400) dollars from the police fund to the building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
264L

[House Bill No. 668.]

## AN ACT

To authorize the commissioners of the counties of Adams, Brown and Clermont to build and construct turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the counties of Adams, Brown and Clermont be and they are hereby authorized and empowered to build and construct in their respective counties free turnpikes whenever, in their judgment, it may be deemed necessary.

SECTION 2. That said commissioners shall, before proceeding to construct any such road or roads, or any part thereof, require and secure from those interested in said road or roads, a sum equal in amount to twenty (20) per centum of the estimated cost of the construction of any road to be built under the provisions of this act, said twenty per centum to be used by them to aid in defraying the cost of constructing any such road or roads.

SECTION 3. That for the purpose of paying the remaining eighty (80) per centum of the cost of constructing any road or roads, under the provisions of this act, in their respective counties, the commissioners are hereby authorized and empowered to levy and assess a tax not exceeding in any one year three-tenths of one mill on the dollar, on any and all property upon the tax duplicate of their respective counties, to be applied to the payment of the cost of the construction of each road to be built by them under the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
265L

[House Bill No. 719.]

## AN ACT

To amend section 1 of an act entitled "An act to authorize the commissioners of Brown county to construct a free turnpike road in said county," passed April 11th, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act to authorize the commissioners of Brown county to construct a free turnpike road in said county," passed April 11th, 1893, be amended so as to read as follows:

Sec. 1. That the commissioners be and they are hereby authorized and empowered to construct a free turnpike in said county over the following route, as nearly as practicable, to wit: Beginning at the most convenient point in the New Hope and Bethel pike near the residence of L. Neal; thence over the dirt road passing said Neal's residence to and through Surreyville; thence with said dirt road and over the same to the lands known as the Ireton place; thence in a northeasterly direc-

tion crossing said Ireton lands to a corner of said Ireton lands and O. P. Stevenson's lands in a line with the lands of Theodore Brooks; thence in the same direction, crossing the lands of said Brooks to a corner of the lands of Louis Brooks and the lands of Arminda Robins; thence in the same northeasterly course, crossing the lands of Arminda Robins to the corner of the lands of said Robins and the lands of B. P. Day; thence in a northeasterly direction on the line of said Arminda Robins and B. P. Day to the old New Hope and Williamsburg dirt road, crossing said dirt road and continuing in the same direction over another dirt road as nearly as practicable, passing a township cemetery and the residences of W. West and E. H. Boyd, to the Mount Oreb and Williamsburg free turnpike road.

SECTION 2. That said section 1 of the act above recited, as passed April 11th, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.  
266L

[House Bill No. 734.]

### AN ACT

To authorize the board of trustees of Jefferson township, in Madison county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Jefferson township, in Madison county, be and it is hereby authorized to transfer the sum of four hundred dollars from the road fund to the general fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 13, 1894.  
267L

[House Bill No. 749.]

### AN ACT

To authorize the trustees of Jennings township, Putnam county, Ohio, to pay the costs, damages and compensation, which may be allowed by an alteration of the Ft. Jennings and Delphos county road, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Jennings township, Putnam county, Ohio, be, and the same are hereby authorized and empowered to pay out of the

funds now in the treasury of said township, and known as the pike fund, all the costs, damages and compensation which may be assessed and allowed by reason of the alteration and vacation of a part of the Ft. Jennings and Delphos county road, in the northeast quarter of section eighteen (18), in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
268L

[House Bill No. 759.]

### AN ACT

To authorize the commissioners of Warren county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners and auditor of Warren county, Ohio, be and they are hereby authorized to transfer one thousand (\$1,000) dollars from the sheep fund of said county to the county fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 13, 1894.  
269L

[House Bill No. 446.]

### AN ACT

To authorize the commissioners of Hamilton county to widen and improve the Montgomery turnpike from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silverton, in Columbia township, Hamilton county, Ohio, in manner and means hereinafter provided in this act and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county are hereby authorized and empowered to widen, grade and improve the Montgomery turnpike from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silverton, in Columbia township, in the manner and means hereinafter provided in this act.

SECTION 2. The said county commissioners shall have exclusive final jurisdiction and power in all matters relative to the widening and improving of the said Montgomery turnpike, and may begin proceedings in this behalf, with full authority to condemn the necessary property and to make the necessary contracts, at any time after a petition has been presented

to them asking for the same, signed by the owners of two-thirds of all the property abutting upon said pike, exclusive of intersections between the designated points. Said petition shall also contain an agreement by said owners of  $\frac{2}{3}$  (two-thirds) of all the property abutting upon the said road to pay their proportion of the assessment herein set forth. Upon the filing of such petition, the county commissioners shall fix a time not more than two weeks thereafter, when the owners of the abutting property and other interested parties may be heard relative to the necessity for such improvement, and notice of the time and place of such hearing shall be published at least one week in advance thereof in one or more daily newspapers of general circulation in Hamilton county.

SECTION 3. If, upon the hearing, the said commissioners shall be satisfied that such an improvement is a public necessity, and would subserve the general interests of the public, and the owners of the property abutting thereon, then forthwith, the said board shall proceed to widen the said Montgomery turnpike to the full uniform width of 80 feet, from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silvertown, in Columbia township, and the county commissioners shall establish the grade from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silvertown, in Columbia township, and shall at once condemn and appropriate all private property necessary for the purpose, and shall proceed in their name in one action to ascertain and adjust the compensation to be paid the owners, including damages, under and in accordance with the law providing for the appropriation of private property for street purposes, and adjustment of damages by municipal corporations; and when the value of the said private property and the amount of damages, if any, have been fixed by the jury and by the final decree of the court, the said board of county commissioners shall accept the same at assessed values, and shall proceed forthwith to sell sufficient bonds hereinafter provided for that purpose, and with the fund thus realized pay the amount of the said compensation and damages assessed by the jury, and the costs and expenses, and shall thereupon be deemed in possession. The said commissioners are authorized to employ counsel to assist the county solicitor in the examination of titles, and in the preparation and prosecution of the said condemnation proceedings. After the determination of the said suits all claims for damages of any kind or description shall be barred, as to all parties to the action.

SECTION 4. The said commissioners, after the titles for widening have been acquired and the damages ascertained as provided in the preceding section, shall estimate the cost and expenses of improving the said Montgomery turnpike, between points herein named; for the grading to the full width and length of the road; and macadamizing same not to exceed sixty feet wide, from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silvertown, in Columbia township; including the necessary bridges, culverts, retaining walls, flagging and drains, all to be in accordance with plans and specifications therefor, to be prepared by the engineer and approved by the commissioners; and the commissioners shall make their estimate upon the said sections of the Montgomery turnpike, as above set forth, for the kind of improvement adopted including all expenses incurred in connection therewith. When the plans and specifications, and the estimates, as required by this act, are completed and filed, the county commissioners shall at once advertise for bids for

twenty consecutive days in one or more newspapers of general circulation in Hamilton county, for the improvements upon said road, as herein provided, and may, if deemed advisable, divide said road into several sections, for the purpose of construction, and may advertise and let a separate contract for each section, and the said commissioners shall award the contract, or contracts, as the case may be, to the lowest and best bidder for each section.

SECTION 5. For the purpose of raising the money necessary to meet the total expense of the improvement, the commissioners of the county are hereby authorized and directed to issue and sell bonds of the county, as they may be needed, first, to pay the costs and expenses of the condemnation and damage proceedings, including the value of the property so taken and provided for in this act, and second, to meet the contract prices of construction and all expenses incident thereto; said bonds shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, and shall not be sold for less than par value, and they shall become due in annual instalments, for a period not to exceed fifteen years, and the proceeds from the sale thereof shall be applied and used only for the purposes mentioned in this act.

SECTION 6. One-half the costs and expenses of widening, grading, macadamizing and improving said Montgomery turnpike, including the value of the land and damages as fixed by jury, and the interest on bonds issued in anticipation of the unpaid assessments, if any, from the southwest line of Mound avenue, in Norwood, to the Buxton road, Silverton, in Columbia township, shall be assessed by the abutting foot upon the lots and property bounding and abutting upon said improvement between these two designated points; the lands in bulk to be assessed to the average depth of lots along the line of the improvement, the cost of intersection to be included in making up the total estimate and assessment; and the remaining one-half of the entire cost and expense of widening, grading, macadamizing and improving the said Montgomery turnpike, including condemnation, and interest on the bonds in the manner herein directed, shall be paid by the county of Hamilton. Each of said assessments shall be payable in not to exceed fifteen annual instalments, if deferred, but any property owner shall have the privilege of paying any or all of his assessments in cash, without interest, within fifteen days after publication of a notice in a newspaper of general circulation in the county; after the expiration of said fifteen days, all unpaid assessments, with interest computed and added, shall be placed upon the tax duplicate for collection against the lands assessed, and collected in the same manner as other taxes.

SECTION 7. The said county commissioners of Hamilton county, in addition to their other powers of taxation, are hereby authorized to collect in the grand levy of taxes, on all the taxable property of said county on the duplicate for the year 1894, a tax of not exceeding one-fifteenth of a mill on the dollar and the period not to exceed fifteen years, a tax on each and every year, of not exceeding one-fifteenth of a mill on the dollar; the fund so raised to be applied, with the money obtained by said special assessments, toward the payment of the bonds and interest, issued pursuant to the direction of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
270L

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[House Bill No. 586.]

AN ACT

To abolish sub-school district number 7, in Monroe township, Knox county, Ohio, and to restore the territory now included therein to sub-school district number 2, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school district number 7, in Monroe township, Knox county, be and the same is hereby abolished, and that the territory now included in said sub-school district number 7 be and the same is hereby annexed to, and made a part of sub-school district number 2, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
271L

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[House Bill No. 586.]

AN ACT

To authorize the board of education of Covedale special school district number 10, of Green township, Hamilton county, Ohio, to issue bonds for the purpose of enlarging school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Covedale special school district number 10, Green township, Hamilton county, Ohio, be and it is hereby authorized to borrow any sum of money not exceeding three thousand dollars, for the purpose of paying the expense of enlarging the public school building in said school district.

SECTION 2. That for the purpose aforesaid the said board of education is hereby authorized to issue bonds not exceeding three thousand dollars in amount, bearing interest from date of issue, at not exceeding six per cent. per annum, interest payable semi-annually, and payable at such time or times, not exceeding eight (8) years from the date thereof, as such board may determine; said bonds to be signed by the president

and attested by the secretary of said board, and not to be sold for less than their par value, at public or private sale, as said board may determine.

SECTION 3. Said board shall, annually, after the issue of said bonds, cause to be assessed, and the auditor of said county shall place on the duplicate of said county, on the taxable property of said school district, the taxes necessary to pay the interest on said bonds semi-annually, and the principal thereof as the same shall become due, in addition to the taxes now allowed by law in said school district, which tax shall be collected by the treasurer of said county, in the same manner as other taxes levied by said board of education.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
272L

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[House Bill No. 596.]

## AN ACT

To authorize the board of education of the city of Ironton, Ohio, to issue bonds for the purpose of purchasing real estate and erecting and furnishing a school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Ironton, Ohio, be and the same is hereby authorized to issue bonds in any sum not exceeding fifteen thousand dollars, for the purpose of purchasing real estate and of erecting and furnishing a school building thereon in the city of Ironton, Ohio; said bonds to be of the denomination of five hundred dollars each, payable at such times and places, not exceeding fifteen years, as said board of education may determine; said bonds shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; and said board of education shall annually thereafter cause the necessary taxes to be levied, to pay the interest and principal on said bonds as they shall become due; provided, said board of education shall not exceed the limitation now authorized by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
273L



[House Bill No. 603.]

## AN ACT

To provide for the preparation and use of a special tax list and duplicate for sewer and street paving assessments in any county containing a city of the second grade of the second class.

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county in which a city of the second grade of the second class may be located, the county auditor shall, whenever in his judgment it shall be expedient, annually prepare a special tax list and duplicate in a separate volume or volumes prepared for that purpose, in which he shall enter the annual instalments for such year of such special assessments as shall be certified, to be placed upon the duplicate against real estate in such city, for the costs and expenses of street paving or sewer improvements therein, which special tax list and duplicate shall show the several lots and parcels of land so assessed, names of the owners and said annual instalments for such year of such assessment against each lot or parcel of land; and in such case such special assessments shall not be required to be placed upon the general duplicate of the county, but such special tax list and duplicate shall be held to be in all respects of like force and effect as the general tax list and duplicate provided by law, and such assessments shall be payable and collectible in all respects as though placed upon such general tax list and duplicate. One or more special assessments for different street paving improvements may be placed in one volume, and one or more special assessments for different sewer improvements may be placed in one volume. The county auditor shall certify and transmit such special assessments upon such special tax list and duplicate to the treasurer of the county at the time and in the manner provided by law for so certifying the general tax list and duplicate.

SECTION 2. For the services of the county auditor in each year in preparing such special tax list and duplicate and certifying the same to the treasurer, he shall be allowed as compensation such amount, not in excess of one per cent. of the entire instalment of such assessment for such year, as shall be allowed by the board of city affairs of such city.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 17, 1894.

274L

[House Bill No. 636.]

## AN ACT

To provide more satisfactory facilities for the education of pupils in townships which by the census of 1890 had a given population.

[KINGSVILLE TOWNSHIP, ASHTABULA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any board of education in any township which by the fed-

eral census of 1890 had a population not less than 1,710 nor more than 1,715, of any county which by the same census had not less than 43,650 nor more than 43,660 inhabitants, may, at their discretion, appropriate funds derived from the school tax levy of said township, for the conveyance of pupils in subdistricts from their homes to the high school of said township. Provided, such appropriation for any subdistrict shall not exceed the amount necessary, in the judgment of the board, for the maintenance of a teacher in such subdistrict for the same period of time.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
275L

[House Bill No. 670.]

### AN ACT

To change the name of William Arnold Rosenzweig to William Rosenzweig Arnold.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William Arnold Rosenzweig, a resident of Delaware, Delaware county, be and the same is hereby changed to William Rosenzweig Arnold.

SECTION 2. This act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
276L

[House Bill No. 685.]

### AN ACT

To detach certain lands lying and being within the corporate limits of the city of Findlay, in Findlay township, Hancock county, in the state of Ohio, and which are hereinafter described, from other lands in said city and township, and attach the same to Marion township in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the northwest quarter of section seven (7), except the right of way of the Toledo & Ohio Central railroad, containing about one hundred and forty acres. And the north half of the southwest quarter of section eight, except right of way of the Lake Erie & Western railroad, containing about seventy-eight acres. And that part of the south half of the southwest quarter of section eight (8) which lies north of the Lake Erie & Western railroad containing eighty-nine-hundredths of an acre, more or less. And the west side of the southeast fraction of section seventeen (17) containing thirty and thirteen-hundredths of an acre. And the west part of the northeast quarter and the northwest corner of

the southeast quarter of section twenty (20), containing eighty-two and eighty-six-hundredths acres. And the west half of the north part of the east half of the northwest quarter of section twenty (20), containing twenty-nine and twenty-five-hundredths acres, be and the same are hereby detached from the other lands in said city and township of Findlay, and attached to the township of Marion, said Marion township lying and being in said county of Hancock, and contiguous to said lands hereby detached from the lands in said city and township of Findlay, and attached to said Marion township, and made part thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.

277L

[House Bill No. 703.]

### AN ACT

To authorize the city council of the city of Mansfield, Richland county, Ohio, to make a special levy for park purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Mansfield, Ohio, be and the same are hereby authorized to make an additional levy, not exceeding two-tenths of a mill, upon all taxable property as may be listed, annually, upon the grand duplicate of said municipality, for the improvement and maintenance of the Sherman-Heimann park; no part of which shall be appropriated for payment of claim of park policeman the special fund arising from said levy to be disbursed by said council solely for the afore-said purpose, and upon the recommendation and report of the board of park commissioners in and for said Mansfield city.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.

278L

[House Bill No. 726.]

### AN ACT

To authorize certain cities to pay expenses of decorating soldiers' graves.

[GREENVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the fourth grade and second

class situate wholly in any county, which at the last federal census had a population of not more than forty-three thousand (43,000) and not less than forty-two thousand nine hundred and twenty-five (42,925), or which at any future federal census may have such population, shall, on the petition of ten or more taxpayers of such city, appropriate and pay out of the general fund of such city any sum not exceeding seventy-five (\$75) dollars, to be used and expended for paying the expenses of any public decoration of soldiers' graves, in the cemetery or cemeteries of such city each year; and which moneys shall be expended by and under the direction of the mayor of such city.

SECTION 2. This act to take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
279L

[House Bill No. 729.]

### AN ACT

To change the name of William L. Reichenbacher to William L. Richen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William L. Reichenbacher, residing at No. 140 Bremen street, Cincinnati, Hamilton county, Ohio, be and the same is hereby changed to William L. Richen.

SECTION 2. That said change of name shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
280L

[House Bill No. 742.]

### AN ACT

To authorize the trustees of the first Christian church of Jerome, Union county, Ohio, to sell a certain lot of land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the surviving trustees of the first Christian church of Jerome, Union county, Ohio, be and the same are hereby authorized and empowered to sell and convey by deed all of a lot of land deeded to them December 10, 1846, by George and Mary Hansel, and containing one acre, except so much of said lot as is now used for a burying-lot.

SECTION 2. The proceeds of said sale shall be turned over to the home missionary society of the Ohio Central Christian conference, except so much thereof as may be necessary to fence the burying-lot referred to in section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
281L

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[House Bill No. 769.]

### AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Coldwater, Mercer county, Ohio, be and they hereby are authorized to transfer the sum of five hundred and seventy dollars and twenty-three cents (\$570.23) from the corporation fund to the refunding fund, and eleven hundred (\$1,100) dollars from the corporation fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
282L

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[House Bill No. 774.]

### AN ACT

To authorize the commissioners and auditor of Putnam county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners and auditor of Putnam county, Ohio, be and the same are hereby authorized to transfer two thousand and ninety-nine dollars and forty-eight cents to the "county fund" of interest of section 16, funds of said county, carried on the balance-books for more than twenty years, and there being no provision of law by which the same was or could be apportioned in said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
 283L

[House Bill No. 781.]

### AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Rockford, Mercer county, Ohio, be and they hereby are authorized to transfer the sum of three hundred (\$300) dollars from the police fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
 284L

[House Bill No. 784.]

### AN ACT

To authorize the council of New Carlisle, Clark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of New Carlisle, Clark county, Ohio, be and the same is hereby authorized to transfer from the police fund the sum of four hundred (\$400) dollars to the interest fund, and four hundred (\$400) dollars from the police fund to the light fund.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
 285L

## AN ACT

To create an election precinct at Salesville, Guernsey county, Ohio, to be known as Salesville precinct.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby created an election precinct in Guernsey county, Ohio, to be known as the Salesville precinct with the voting place at said Salesville.

**SECTION 2.** Said voting precinct shall be composed of the following described territory, to wit: Beginning at the southwest corner of Millwood township, Guernsey county, Ohio; thence east along the line between Millwood township, Guernsey county, Ohio, and Noble county, Ohio, to the southeast corner of the southeast quarter of section eleven of said Millwood township; thence north to the southwest corner of section thirty-one of said Millwood township; thence east along the line between Millwood township, Guernsey county, Ohio, and Noble county, Ohio, to the half section line of section twenty-five in said Millwood township; thence north along the half section line of sections twenty-five, twenty-six, twenty-seven and twenty-eight to the Oxford township, Guernsey county, Ohio, line; thence west along the line dividing Oxford and Millwood townships to the Wills township, Guernsey county, Ohio, line; thence west through sections twenty and nineteen of Wills township to the half section line of section number nineteen of said Wills township; thence south to the southeast corner of the northwest quarter of section twenty-two of the said Wills township; thence west along the half section line of sections twenty-two and twenty-three to the northwest corner of the southeast quarter of section twenty-three of said Wills township; thence south along the half section line of sections twenty-three and three of said Wills township and of section eight and thirteen of Richland township, Guernsey county, to the southwest corner of the northeast quarter of said section thirteen in said Richland township; thence east along the half section line of section thirteen and twelve of Richland township to the quarter section line of the southwest quarter of section twelve, Richland township; thence south to the Noble county, Ohio, line to the place of beginning. And the remaining portion of said Millwood, Richland and Wills townships and Lore City precinct, shall each constitute a separate precinct, with voting places as known and designated as heretofore, provided however, that said townships shall remain intact for assessment purposes and there shall be no assessor required in said Salesville precinct.

**SECTION 3.** The board of deputy state supervisors of elections for Guernsey county shall appoint election officers for said precinct and provide them with the ballot-boxes as in other cases. It shall be the duty of the said deputy state supervisors to supply said election officers at the spring elections with tickets such as they provide for each of the three townships having territory in said precinct; and it shall be the duty of the election officers to certify the separate results of such spring elections to the clerks of the three several townships of Millwood, Richland and Wills; but at the fall elections, the election officers shall be provided with separate ballots in such precinct, and the result shall be certified direct to the county board of deputy state supervisors, as from other townships and precincts.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
286L

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[House Bill No. 797.]

### AN ACT

To authorize the trustees of Willoughby township, Lake county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Willoughby township, Lake county, Ohio, are hereby authorized to transfer the sum of two hundred and twenty dollars and eleven cents (\$220.11) from the town hall fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
287L

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[House Bill No. 809.]

### AN ACT

To authorize the trustees of Dover township, Union county, Ohio, to issue bonds to build a township house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Dover township, Union county, Ohio, be and they are hereby authorized to issue the bonds of said township, not exceeding in amount four hundred (\$400) dollars, for the purpose of building a township house in said township. Such bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and shall be of such denomination, and made payable at such times and place as said trustees may determine; but no part thereof shall be payable at a later date than January 1st, 1897.

SECTION 2. Said bonds shall be signed by the trustees of said township, or any two of them, and countersigned by the clerk of said township, and shall be sold according to law.

SECTION 3. That for the payment of said bonds and the interest thereon, the trustees of said township shall annually levy a tax on all the taxable property of said township.



SECTION 4. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 17, 1894.  
 288L

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[House Bill No. 815.]

### AN ACT

To amend an act entitled "An act to authorize the commissioners of Greene county, Ohio, to construct a free turnpike," passed March 1, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1, 2, 3 and 4 of said above entitled act be and the same are hereby so amended as to read as follows:

Sec. 1. That the commissioners of Greene county, Ohio, be and are hereby authorized and required to build and construct a good and sufficient free turnpike on the following described road, viz.: Beginning at the county line between Fayette and Greene counties, at the western terminus of the Moon and Evans turnpike, running westward and south-west, on the line of a county road, about two and one-half miles to the intersection of the Jamestown and Jeffersonville turnpike, when the necessary proceedings have been instituted therefor as hereinafter provided; seventy per centum of the cost and expense of the said improvement to be borne by said county, and the residue to be levied and assessed on all the property and lands benefited, and collected as hereinafter directed.

Sec. 2. Whenever the requisite steps by petition, shall have been taken for the authorization and establishment of a free turnpike road out of the said above described road, which is hereby authorized in accordance with the provisions of chapter seven, title seven, of the Revised Statutes of Ohio, entitled one-mile assessment pikes, except as in this act otherwise provided, said county commissioners shall proceed to cause said free turnpike road to be established and constructed in accordance with said provisions, except that seventy per centum of the cost and expenses thereof shall be paid by the said county as herein provided, and thirty per centum of the cost and expenses thereof shall be levied and assessed upon the lands and taxable property within the bounds of said road so to be laid out and established, and all and singular of said provisions of said chapter shall be operative and in force, and shall be complied with so far as applicable in all respects as to said improvement, with the exceptions aforesaid.

Sec. 3. The said county commissioners shall determine the time in which the said thirty per centum shall be paid, which shall not be less than five, nor more than ten years, and an equal part of said thirty per centum shall be levied, assessed and collected each year, and the said commissioners are authorized each year to make such levy upon all the lands and taxable property within the bounds of said road so laid out and established, until the whole thirty per centum is fully paid, and they

shall cause the same to be placed upon the tax duplicate and collected as other taxes; and said commissioners shall, in like manner, levy upon all the taxable property of the county, the seventy per centum of the cost of construction, so that the same will be paid in not less than five years, nor more than ten years.

Sec. 4. For the purpose of providing money to meet the cost and expenses of said improvement when ordered, said county commissioners are authorized and directed as the same may be needed to issue the bonds of the said county of the denomination of one hundred dollars, or multiple thereof, bearing interest not exceeding the rate of six per cent. per annum, payable semi-annually, at the treasury of said county, and to sell the same to the best advantage but not less than their par value, placing the proceeds in the county treasury. Said bonds shall be so apportioned with respect to the time they have to run as that they may be met by the assessments, levies and taxes in this act provided for.

SECTION 2. Sections 1, 2, 3 and 4 of the said above recited act, passed March 1, 1894, are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 17, 1894.

289L

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[House Bill No. 810.]

## AN ACT

To authorize the improvement of a portion of the River road and a portion of the Wapakoneta road in Grand Rapids township, Wood county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Wood county be and they hereby are authorized to improve that portion of the River road in Grand Rapids township, Wood county, Ohio, beginning at a point where Beaver creek intersects said road in section eight (8) of said township and extending westward along said road to West street in the village of Grand Rapids, thence south on said West street to Second street thence west on said Second street and said River road to the county line dividing Henry and Wood counties; also that portion of the road known as the Wapakoneta road in said township included between the point of intersection of said road with the said River road and a point southward on said road where the east and west center line of sections 17 and 18 of said township intersects the same by macadamizing the said portions of said roads with stone or gravel subject to the terms, conditions and provisions of chapter eight title seven of the Revised Statutes relating to and regulating two-mile assessment pikes (as amended to apply to Wood county) which terms, conditions and provisions shall remain in full force and apply to all improvements under this act except as otherwise provided herein but when the commissioners order the improvement under this act all the provisions of said chapter and title, as aforesaid, inconsistent with the special provisions herein contained are declared and shall be held inapplicable hereto.

**SECTION 2.** The county commissioners of Wood county, Ohio, shall pay for five-sixteenths (5-16) of the cost of such improvement, the township trustees of said Grand Rapids township shall pay for five-sixteenths (5-16) of the cost of such improvements and the remaining three-eighths (3-8) of the cost of such improvement shall be paid by assessments upon the lots and lands bounding and abutting upon the portions of said roads so improved and within two miles thereof in proportion to the benefits derived therefrom by said lots and lands in accordance with the methods indicated in section one (1) of this act.

**SECTION 3.** For the purpose of raising the money necessary to pay said portion of the costs and expenses authorized to be paid by said township trustees of Grand Rapids township, Wood county, Ohio, said trustees are hereby authorized and empowered to issue the bonds of said township in such sums as they shall determine not exceeding \$4,000 in total amount bearing a rate of interest not to exceed six per cent. per annum and due at such times as they shall determine but not beyond six years from the date of issue; said bonds shall be sold for not less than their par value.

**SECTION 4.** Before said bonds are issued and sold the question of their issuance and sale shall be submitted to a vote of the qualified electors of said township at a general or special election, to be held after ten days' notice thereof, by written notices posted in five of the most public places in said township. The ballots voted shall have written or printed thereon the words "For stone roads—Yes" or "For stone roads—No," and a majority of the votes cast at said election shall determine the right of said trustees to issue and sell said bonds as herein provided. For the purpose of meeting the payment of said bonds and the interest thereon, said trustees are hereby authorized and empowered to levy upon the grand duplicates of said township, a sufficient levy, necessary to pay said bonds and interest thereon, in addition to all other taxes. They shall certify said levy to the auditor of Wood county, Ohio, who shall place the same upon the tax duplicates of said township, and the treasurer of said county shall collect the same with the other taxes thereon; and pay out the same only upon the order of the trustees of said township, who shall take up and cancel said bonds and interest coupons as fast as the same are paid.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 18, 1894.  
290L

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[Senate Bill No. 5.]

### AN ACT

Supplementary to an act entitled "An act authorizing the trustees of Newark township, Licking county, Ohio, to levy a tax for the purpose of erecting a soldiers' memorial building," passed April 9, 1891.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of Newark township, Licking county,

Ohio, are hereby empowered and directed to issue the bonds of said township in the sum of thirty-five thousand (\$35,000) dollars, bearing interest at a rate not exceeding 6 per cent. per annum, and to sell the same at not less than par. Said bonds shall be in all respects in conformity with the requirements of the act recited in the title of this act, and shall be sold and the proceeds thereof disposed of by said board or township trustees in like manner as in said act provided.

SECTION 2. Said board of township trustees, for the purpose of paying the principal and interest of the bonds provided for in section 1 of this act, shall levy a special tax upon the real and personal property of said township, but said tax shall not exceed one mill on the dollar of valuation of any one year.

SECTION 3. The board of trustees of the soldiers' memorial building referred to in the title of this act shall receive the proceeds of the bonds provided for in section 1, and are hereby authorized to expend the same, or such portion thereof as may be necessary, to finish, furnish and heat said memorial building; and in case of any surplus not required for the purposes above set forth, the same shall become a sinking fund to reduce the obligations of said township incurred under this act and the act to which this act is supplementary.

SECTION 4. The same provisions as to duty of officers and their compensation shall govern in regard to what is authorized by this act as are provided under the act referred to in the title hereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
291L

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[Senate Bill No. 219.]

### AN ACT

To authorize the commissioners of Hamilton county, Ohio, to issue and sell bonds to reimburse the bridge fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to issue and sell the bonds of said county, to be known as bridge fund deficiency bonds, to the amount of \$14,000; said bonds to be payable one year after date of issue; to bear interest at a rate not to exceed five per cent. per annum, payable semi-annually; and the proceeds of the sale thereof to be placed to the credit of the bridge fund of said county for the purpose of reimbursing said fund, the amount expended therefrom for the repair of the Mitchell avenue tunnel or aqueduct.

SECTION 2. For the purpose of paying said bonds and the interest thereon when due, said commissioners of Hamilton county, Ohio, are authorized to levy a tax in such amount as may be necessary on all the taxable property of said county on the grand duplicate for 1894; said tax

to be in addition to all other taxes the said commissioners are now authorized by law to levy.

SECTION 3. This act shall take effect and be in force from and after the date of its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
2921.

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[Senate Bill No. 256.]

### AN ACT

To authorize villages having a population at the last federal census of not less than 1,440 nor more than 1,450 to issue bonds to construct a reservoir or stand-pipe.

[GLENDALE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village having at the last federal census a population of not less than 1,440 nor more than 1,450 or which at any future federal census may have such a population and situated in a county containing a city of the first grade of the first class, be and is hereby authorized to borrow money not exceeding the amount of six thousand dollars (\$6,000), at such times and in such amounts as may be required for the purpose of defraying the cost of providing a supply of water by the construction of a reservoir or stand-pipe, or to finish any water-works, reservoir or stand-pipe already commenced, or to finish the laying of water-pipes. And the council of any such village is hereby empowered to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding six per cent. (6%) per annum, payable semi-annually, and said bonds should be of such denominations and should mature at such times as the council may determine; provided, said bonds should not be sold for less than their par value. Said council is hereby authorized to levy such an amount of tax, in addition to the tax now allowed by law, upon the taxable property of such village, as may be necessary to pay the interest and principal of such bonds when the same become due; said taxes to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 2. That this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
2931.

[Senate Bill No. 278.]

## AN ACT

To authorize the council of the incorporated village of Manchester, Adams county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Manchester, Adams county, Ohio, be and it is hereby authorized to transfer the sum of three hundred and forty dollars and thirty cents (\$340.30), and such further sum as may come into the general sinking fund at the August, 1894, settlement, from said general sinking fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
294L

[Senate Bill No. 279.]

## AN ACT

To authorize the commissioners of Stark county, Ohio, to provide for the deficiencies in the county fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Stark county, Ohio, for the purpose of meeting and providing for a deficiency in the county fund of said county, are hereby authorized to issue bonds in an amount not exceeding twenty-five thousand dollars (\$25,000). Said bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than par, and shall be of the denomination of one thousand dollars (\$1,000) each, and shall be payable at such times, not exceeding ten years from date of issue, as said county commissioners may determine, and to be sold at private or public sale.

SECTION 2. The commissioners and auditor of said county are hereby constituted a board, and authorized to apportion the money arising from the sale of said bonds among the several funds of said county in proportion to the requirements thereof, as may be determined by the judgment of said board.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
295L

[Senate Bill No. 290.]

## AN ACT

For the relief of H. N. Whitbeck, late treasurer of Cuyahoga county, Ohio.

WHEREAS, From the first Monday of September, 1882, to the first Monday of September, 1886, H. N. Whitbeck was the treasurer of the county of Cuyahoga, Ohio; and

WHEREAS, As such treasurer of said county, he established within the county, certain sub-offices for the collection of taxes, and equipped and maintained the same at his own expense during the whole term of his office; and

WHEREAS, No part of the moneys so expended by him has been repaid to him; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Cuyahoga county, Ohio, be and hereby are authorized and empowered to pay to said H. N. Whitbeck, out of the general fund of said county, for establishing and maintaining said sub-offices for the collection of taxes in said county, such sum of money as they find to be just and equitable; provided, that of the compensation of the deputies or clerks in said sub-offices, said commissioners shall allow and pay him only that proportion which is now borne by the county under the act of April 12, 1889 (O. L., v. 86, p. 264), as amended February 24, 1891 (O. L., v. 88, p. 47).

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 19, 1894.

296L,

[Senate Bill No. 317.]

## AN ACT

To authorize the council of the city of Urbana, Champaign county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Urbana, Champaign county, Ohio, be and the same is hereby authorized and empowered to transfer from the watch fund to the corporation fund one thousand dollars, and from the street improvement fund to the street repair fund one thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 19, 1894.

297L,

[Senate Bill No. 321.]

## AN ACT

To authorize the council of the village of Carrollton, in Carroll county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Carrollton, in Carroll county, be and is hereby authorized to transfer the sum of one hundred and sixty-one dollars and thirteen cents (\$161.13) from the bridge and culvert fund of said village, and four hundred and fifty (\$450) dollars from the fire fund thereof, to the street and alley fund thereof; and two hundred and fifty (\$250) dollars from the salary fund of said village to the street lamp fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
298L

[House Bill No. 627.]

## AN ACT

To provide for the payment of deficiencies in funds raised for the payment of bonds issued in anticipation of the collection of assessments to pay the cost of improvements in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, whenever deficiencies exist in the funds raised for the payment of bonds issued in anticipation of the collection of assessments to pay the cost of improvements, by reason of final decrees of court reducing such assessments, or by reason of the unpaid and unprovided city's portions of the cost of such improvements, or by erroneous and insufficient calculation of the assessments made, it shall be lawful for the city auditor of such city to draw a voucher on the board of trustees of the sinking fund of such city, for such deficiencies, and it is hereby made the duty of said board to pay such vouchers, and charge same to an account to be called "assessment improvement deficiency fund." And the city auditor shall place said payments to the credit of the sinking fund kept for the payment of the bonds issued for such improvements.

SECTION 2. To provide a fund to reimburse the said board of trustees of the sinking fund for such payment, it is hereby made the duty of the city auditor, and of the other municipal authorities hereinafter



named, on the receipt of a formal request from the board of trustees of the sinking fund so to do, to issue the bonds of the said city in such amounts as may be necessary to discharge the aforesaid "assessment improvement deficiency fund." Said bonds shall run not more than thirty years from their date, shall bear interest at a rate not to exceed four per centum per annum, and shall be signed by the mayor, the president of the board of administration and the city auditor, and shall be sold under the laws applicable to the sale of other municipal bonds. Said bonds shall be secured by a pledge of the faith of such city, and by a tax which it shall be the duty of the board of legislation, annually, to levy upon all the taxable property on the grand duplicate, within the limits of such city, and which shall be sufficient to pay the interest on said bonds, and to provide a sinking fund to redeem the same at maturity, and said tax shall be in addition to the amount now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
299L

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[House Bill No. 692.]

AN ACT

To authorize the board of education of special school district No. 8, Montgomery county, to issue bonds for the purpose of building a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of special school district No. 8, Montgomery county, be and are hereby authorized to issue and sell the bonds of said school district in any sum not exceeding four thousand five hundred dollars (\$4,500) for the purpose of building a school-house in said district. Such board of education may issue such bonds on such conditions and for such length of time, not to exceed ten years, as by resolution they may determine. They are hereby authorized to make such additional levy upon the taxable property of said district as will be necessary to meet the payment of the principal and interest of said bonds as the same become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 19, 1894.  
300L

## AN ACT

To amend section 1 of an act entitled "An act to create road supervisors in certain counties," passed April 15, 1889 (vol. 86, p. 324, O. L.), as amended April 2, 1891 (vol. 88, p. 268, O. L.), as amended March 27, 1893 (vol. 90, p. 183 local laws), and section 3 of said act as amended February 24, 1892 (vol. 89, p. 48, O. L.).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1 and 3 of an act passed April 15, 1889 (vol. 86, p. 324), as amended April 2, 1891 (vol. 88, p. 268, O. L.), as amended February 24, 1892 (vol. 89, p. 48, O. L.), as amended March 27, 1893 (vol. 90, p. 183, local laws), be amended so as to read as follows;

Sec. 1. That in all counties in this state having a population at the federal census of 1880 of 16,326 (Lake), 14,255 (Geauga), or may have such population at a future federal census, the trustees may, at their regular meeting, on the first Monday of March, divide the respective townships into road districts not to exceed four in any one township, and at their regular meeting on the first Monday of March annually thereafter, may make such alterations as they may deem proper, and there shall be elected on the first Monday of April, A. D. 1895, and biennially thereafter, one supervisor for each district, by the electors thereof, who shall hold his office for two years and until his successor is elected and qualified; and where the election is in common with a municipal corporation the vote for supervisor shall be taken in a separate ballot-box, furnished by the township trustees for such purpose, and only those electors shall be entitled to vote who reside within the proposed road district. Each supervisor, within five days after his election, shall take an oath or affirmation to faithfully, honestly and impartially discharge all the duties of his office, and shall enter into bonds, payable to the state of Ohio, in trust for the township, in the penal sum of not less than five hundred dollars, with surety to be approved by the township trustees, conditioned to fulfill the requirements of said oath, or affirmation, said bonds to be recorded by the township clerk, and when forfeited in whole or in part, to be collected with the costs, by the trustees in a civil action, and moneys so collected shall go into the road fund of the township, to be expended as other road moneys.

Sec. 3. The duties of supervisor shall be as follows: To open, or to cause to be opened, all public roads and highways which shall be laid out and established in his district, and to maintain the proper legal width and location of the same; to keep the same in good repair and make, from time to time, such permanent improvements by grading, draining, graveling or macadamizing, as the tax for road purposes will warrant; to remove or cause to be removed forthwith, all obstructions that may be found thereon; to complete the work of grading and ordinary repairs between the first day of April and the twentieth day of June of each year, and to complete within a reasonable time after having been commenced all repairs and improvements in a smooth and workmanlike manner, and in good condition for all kinds of public travel, and to grade, or cause to be graded and leveled off, the earth and gravel that may be scraped, shoveled or hauled into any public road under his direction or charge at the time such work is performed; and when the supervisor has knowledge that Canada thistles are growing on land in his road district he shall forthwith give notice to the owner or occupant of said land who shall at once proceed to kill and destroy the same and if at the end of

thirty days from such notice such owner or occupant shall have failed to have proceeded to kill and destroy said Canada thistles the supervisor shall at once proceed to kill and destroy said Canada thistles or cause the same to be done. And if the owner or owners of land along said public roads and highways shall fail to cut down and destroy all weeds, burs, bushes and briers growing in the public highways against their lands, before the 15th of August of each year, then the supervisor shall at once proceed to cut down or cause to be cut down and destroy all such weeds, burs, bushes and briers that may be found standing after the 15th of August of each year, and the same to be paid for out of any road funds not otherwise appropriated. But no supervisor shall cut down or molest any of the shade-trees growing upon the highways, unless so ordered by the township trustees.

SECTION 2. That sections 1 and 3 of the above recited act be and the same are hereby repealed. And this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 19, 1894.

301L

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[House Bill No. 698.]

## AN ACT

To establish an additional election precinct in Harrison township, Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the part of said Harrison township, Perry county, Ohio, known as Crooksville precinct, as established by an act entitled "An act to authorize the division of Harrison township, Perry county, into two voting precincts," passed March 17, 1893, be divided into election precincts as follows: By a line commencing at the northwest corner of section thirteen (13) of said township, and running due east to the east boundary line of said township to a point between sections sixteen (16) and nine (9), and that sections four (4), five (5), six (6), seven (7), eight (8) and (9) nine of said township shall be known as Roseville precinct, and the elections therein shall be held in the village of Roseville, in said township; that the remaining part of said original Crooksville precinct, to wit: Sections sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), thirteen (13) and twenty-four (24) shall be known as Crooksville precinct, and the elections therein shall be held at the village of Roseville, in said township.

SECTION 2. This act shall take effect on and after May 1, 1894.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 20, 1894.

302L

[House Bill No. 740.]

## AN ACT

To authorize the trustees of the M. E. church at Pleasant Valley, Mineral Point charge, in Tuscarawas county, to convey certain real estate to William A. Crist and to accept title for a like amount from said William A. Crist.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the M. E. church, Pleasant Valley appointment, Mineral Point charge, in Tuscarawas county, be and they are hereby authorized to convey, by good and sufficient deed, a certain fraction of land adjacent to the church edifice at said place, to William A. Crist, of said county, and to accept title for another fraction of land in the same vicinity, from said William A. Crist, in payment of said tract so conveyed by said trustees.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 20, 1894.  
303L

[House Bill No. 847.]

## AN ACT

To facilitate the enforcement and collection of license fees in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class all persons or firms using any vehicle except cabs, hacks, sulkies, buggies and carriages upon the streets of any such city, for which annual license fees are required by law to be paid, shall exhibit in a conspicuous place upon the left side of each vehicle, or upon the left side of the harness of an animal attached to the same, a metal plate sign furnished or to be furnished by the city auditor, indicating the year for which such license has been taken and the number and character of such license.

SECTION 2. The city auditor in cities of the first grade of the first class is hereby required to furnish with every license issued for every such vehicle used upon the streets of any such city, one metal plate sign, having printed, painted or stamped thereon, the year for which such license has been taken out, together with the character and number of the same.

SECTION 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (50) dollars.

SECTION 4. It shall be the duty of the police or other officers clothed with police powers, to enforce the provisions of this act.

SECTION 5. The act entitled "An act to facilitate the enforcement and collection of license fees in cities of the first grade of the first class,"

passed April 15, 1892, and any and all other acts and parts of acts, ordinances and parts of ordinances, conflicting with any of the provisions of this act, be and the same are hereby repealed, so far as they relate to cities of the first grade of the first class.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
304L

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[House Bill No. 852.]

### AN ACT

To amend section one of an act entitled "An act to authorize the board of education of the union school district of Wellington, Lorain county, Ohio, to levy a tax to supply a deficiency in the contingent fund of said district," passed April 12, 1892 (vol. 89, O. L., p. 618).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "An act to authorize the board of education of the union school district of Wellington, Lorain county, Ohio, to levy a tax to supply a deficiency in the contingent fund of said district," be and the same is hereby amended to read as follows:

Sec. 1. That the board of education of the union school district in Wellington, Lorain county, Ohio, be and the same is hereby authorized and empowered to levy a tax in addition to that now authorized by law to be levied, of one mill upon all of the taxable property of said district each year for six consecutive years, for the purpose of supplying a deficiency in the contingent fund created by the purchase of steam heating apparatus for the union school building in said district, "and in meeting other necessary contingent expenses."

SECTION 2. Section one of said act is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
305L

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[House Bill No. 853.]

### AN ACT

To authorize the incorporated village of Garrettsville, Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Garrettsville,

Ohio, be and the same hereby is authorized and empowered to transfer a sum not exceeding eighty dollars, from the park fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
306L,

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[House Bill No. 861.]

### AN ACT

To authorize the board of county commissioners of Ross county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Ross be and they are hereby authorized to cause to be transferred upon the books of the auditor and treasurer of said county the sum of three thousand one hundred and fifty-one dollars and twelve cents from the free toll-road fund to the general revenue fund thereof, and it is further provided that when orders or warrants shall be presented to the treasurer of said Ross county for payment out of said free toll-road fund he shall pay the same out of the general fund of said county not exceeding the said amount so transferred.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 20, 1894.  
307L,

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[House Bill No. 402.]

### AN ACT

To authorize the council of the village of Newcomerstown, Tuscarawas county, to issue bonds for the purpose of public improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Newcomerstown, in Tuscarawas county, be and they are hereby authorized and empowered to issue the bonds of such village in any sum not exceeding fifteen thousand dollars, in denominations not exceeding one thousand dollars each, bearing interest not exceeding six per cent. per annum, payable annually, and payable at any time not exceeding fifteen years from the date of their issue, as the council of such village shall determine. Said bonds shall

be advertised for public sale; the sale of said bonds shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in said village setting forth the nature, amount, rate of interest and length of time the bonds have to run, with the time and place of sale; said bonds shall be sold at not less than their par value.

SECTION 2. The proceeds arising from the sale of said bonds, or any portion of them, shall be expended for the purpose of constructing an electric light plant within said village.

SECTION 3. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village at a regular or special election to be held at the usual places of voting in such village, and at such time as the council thereof may determine. The ticket to be voted at such election shall have written or printed thereon, "Authority to issue bonds—Yes;" "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting thereon at such election, then the council of said village may issue and sell said bonds for the purpose heretofore named and as provided in this act. Notice of such election shall be published in at least two newspapers published or circulating in such village for not less than ten days prior to such election, which shall in all respects not herein provided for be managed and conducted as other village elections are or may be required by law to be managed and conducted in villages.

SECTION 4. To pay the principal and interest of any of said bonds as the same shall become due, the council of such village are authorized and empowered to levy a sufficient tax on all taxable property of any such village in addition to all other taxes authorized by law; said tax shall be levied and collected as other taxes in such villages.

SECTION 5. That if the bonds herein provided for shall not be issued or disposed of within five years from the passage of this act then this act shall be null and void; and if at the expiration of that time there remains a portion of said bonds which has not been issued or disposed of then that portion of said bonds shall be void and of no effect.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 23, 1894.  
308L

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[House Bill No. 744.]

### AN ACT

To release the sureties on the official school and township bonds of Jacob Hilty, late treasurer of Richland township, Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees and the board of education of Richland township, Allen county, Ohio, be and are hereby authorized and

empowered to fully release and discharge Benjamin Hilty, Eugene Gareau, Benjamin Steiner, Peter B. Amstutz, Peter Zimmerly, E. P. Lugabill, J. C. Steiner, T. P. Johnson, John Amstutz, jr., and J. H. Hilty, sureties on the official bonds of Jacob Hilty, late treasurer of said township, from the payment of the sum of six hundred and thirty-four dollars and seventy-one cents (\$634.71) belonging to the school funds of said township, and fourteen hundred and eighty-two dollars and ninety-two cents (\$1,482.92) belonging to the township funds of said township, and interest thereon from September 1, 1889.

SECTION 2. Provided, that the said township trustees and board of education of said township shall, after ten days' notice, given by printed or written notices posted in five public places in said township, submit to the qualified electors of said township, at some general election held in said township, said proposition to release said Benjamin Hilty, Eugene Gareau, Benjamin Steiner, Peter B. Amstutz, Peter Zimmerly, E. P. Lugabill, J. C. Steiner, T. P. Johnson, John Amstutz, jr., and J. H. Hilty as aforesaid; and provided further, that a majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Said proposition to release shall be voted upon by separate ballots, in a separate ballot-box; and those voting in favor of such proposition to release shall have written or printed upon the tickets voted by them, "Release of treasurer's securities—Yes;" and those opposed, "Release of treasurer's securities—No."

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 23, 1894.  
309L

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[House Bill No. 850.]

## AN ACT

To detach certain lands used only for farming purposes from the city of Findlay, in Findlay township, Hancock county, in the state of Ohio, hereinafter described, from said Findlay township and city of Findlay, and connect the same to other townships contiguous thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the north part of the west half of the northwest quarter of section thirty-one, and containing about thirty-nine acres, the southeast quarter of the southeast quarter of section thirty, containing about forty acres, be and the same are hereby detached from the other lands in said city and township of Findlay, and attached to the township of Marion in said county of Hancock and state of Ohio and made part thereof.

SECTION 2. That the following lands situate and being in the city of Findlay, Hancock county, and state of Ohio, which lands are used only for farming purposes, and described as follows: The west thirty acres of the east half of the northeast quarter and the west half of the northeast quarter, and the northwest quarter of the southeast quarter of section twenty-three, containing about one hundred and thirty acres;



about fifty-one acres off of the north part of the east half and about fifteen acres in the southwest corner of the east half of the northeast quarter, and about fifty-five acres off of the south part of the west half of the said northeast quarter of section fourteen, about fifty and one-half acres lying southwest of the river off of the north part of the northwest quarter of section thirteen; about thirty-six acres in the southeast quarter of section fourteen, known and being of lots five and six Whitney estate; the southwest quarter of section one, containing one hundred and sixty acres, be and the same are hereby detached from the other lands in the said city and township of Findlay and attached to the township of Liberty in said county of Hancock, and state of Ohio and made part thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 23, 1894.  
310L

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[House Bill No. 746.]

### AN ACT

To authorize the trustees of Liberty township, in Hancock county, Ohio, to levy a tax to construct gravel or macadamize roads, pikes and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township trustees of Liberty township in Hancock county in the state aforesaid be and they are hereby authorized and empowered to assess and levy upon all the taxable property of said township for five successive years a tax not exceeding three mills upon the dollar of the valuation of all said taxable property in any one year in addition to the amount of taxes which now is or hereafter may be authorized by law for the purpose of constructing, graveling, macadamizing and piking roads and highways in said township and for no other purpose.

SECTION 2. The question of levying said tax and constructing said roads, pikes and highways shall be submitted to a vote of the qualified voters of said township at the regular spring election on the first Monday of April, 1895. The tickets voted at said election shall have written or printed thereon the words "Taxation for road improvement—Yes," or "Taxation for road improvement—No;" and a majority vote in favor of such taxation shall authorize the levying of said tax and constructing, graveling, macadamizing and piking of said roads and highways.

SECTION 3. Said tax hereby authorized shall be placed upon the grand duplicate of the county auditor of Hancock county aforesaid and shall be collected as other taxes upon said tax duplicate are collected and shall be paid in money and shall be a township road fund in said township under the direction, control and application of the trustees of said township and shall be by them applied toward constructing gravel, macadam-

ized or piked roads and highways in said township or both gravel and macadamized roads or pikes and highways as may be adjudged best by said trustees provided that no assessment or levy for said purpose shall be made under the provision of this act after the year nineteen hundred and the first assessment or levy for said purposes may be made under the provisions of this act in the year eighteen hundred and ninety-five (1895).

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.

311L

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[House Bill No. 747.]

## AN ACT

To authorize the trustees of Planchard township, Hancock county, Ohio, to levy a tax to construct gravel or macadamized roads, pikes and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Blanchard township, in Hancock county, in the state aforesaid, be and they are hereby authorized and empowered to assess and levy upon all the taxable property of said township, for five successive years, a tax not exceeding three mills upon the dollar of the valuation of all said taxable property, in any one year, in addition to the amount of taxes which now is or hereafter may be authorized by law, for the purpose of constructing, graveling, macadamizing and piking roads and highways in said township, and for no other purpose whatever.

SECTION 2. The question of levying said tax and of constructing said roads, pikes and highways, shall be submitted to a vote of the qualified electors of said township at a regular spring election on the first Monday of April, eighteen hundred and ninety-five (1895). The tickets voted at said election shall have written or printed thereon the words, "Taxation for road improvements, Yes;" or, "Taxation for road improvements, No." And a majority vote in favor of such taxation shall authorize the levying of said tax and constructing, graveling, macadamizing and piking of said roads and highways.

SECTION 3. Said tax hereby authorized shall be placed upon the grand duplicate of the county auditor of Hancock county aforesaid, and shall be collected as other taxes upon said tax duplicate are collected, and shall be paid in money and shall be a township road fund in said township under the direction, control and application of the trustees of said township, and shall be by them applied toward constructing gravel, macadamized or piked roads and highways in said township, or both gravel and macadamized roads or pikes and highways, as may be adjudged best by said trustees; provided, that no assessment or levy for said purpose shall be made under the provision of this act after the year nineteen hundred (1900), and the first assessment or levy for said purposes

may be made under the provision of this act in the year eighteen hundred and ninety-five (1895).

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.  
312L

[House Bill No. 767.]

### AN ACT

To authorize the village of Forest, Hardin county, Ohio, to issue bonds and borrow money for the purpose of building a town hall in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Forest, Hardin county, Ohio, be and is hereby authorized to borrow a sum of money, not exceeding two thousand (\$2,000) dollars, for the purpose of building a town hall in said village, and for that purpose to issue the bonds of said village, in sums of five hundred (\$500) dollars or less, at an annual rate of interest not exceeding six per cent. per annum, payable semi-annually, and payable at such time or times, not exceeding six years, as the council may deem best, and which bonds shall not be sold for less than their par value; said bonds shall be signed by the mayor and countersigned by the clerk of said village.

SECTION 2. That for the purpose of paying said bonds and the interest thereon, said council is hereby authorized to levy a tax upon all the taxable property within said village, from year to year, until all the bonds and accruing interest have been paid.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.  
313L

[House Bill No. 805.]

### AN ACT

To authorize the commissioners of Putnam county, Ohio, to issue bonds and levy taxes for the purposes therein provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Putnam and state of Ohio be and they are hereby authorized to issue the bonds of said county in an amount not exceeding the sum of twenty thousand dollars

for the purposes of paying existing indebtedness of said county in what is known as the "county fund" and for the further purpose of paying the current expenses of said county for county purposes.

SECTION 2. Said bonds shall be issued at such times and in such amounts and shall be made payable at any time within ten years from the date of their issue, as said board of county commissioners may determine. Said bonds shall bear interest at a rate not exceeding 6 per cent. per annum, payable semi-annually, and shall in no case be sold for less than their par value, but said board of county commissioners may dispose of said bonds at public or private sale as they may deem proper.

SECTION 3. That for the purposes of providing a fund to pay the principal and interest of said bonds, the said commissioners of said county are hereby authorized in the years of 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, to levy a tax in addition to that now provided by law, not exceeding one mill on the dollar for county purposes upon all the taxable property in the county. The principal and interest of said bonds when issued as aforesaid to be made payable at the county treasurer's office in said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 24, 1894.  
314L

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[House Bill No. 341.]

## AN ACT

To apply the road tax arising from lands assessed for improved roads under the two-mile system, to the repairs of such improved roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any land through, along or over which any public road or highway, in any county which had by the federal census of 1890 or may have by any subsequent census a population of not less than twenty-five thousand nine hundred and ninety and not more than twenty-six thousand, has been or shall be made or improved under any two-mile assessment act of a general nature, shall be assessed or charged with any public road tax on the tax duplicate of any county in which said land is or may be situate, the owner of such land, or his proper agent, may, under the direction of the supervisor of roads of the district in which such land is situate, or under the order or direction of the county commissioners of such county, discharge such tax by labor in repairing or improving such road or highway, or in deepening, widening or enlarging the ditch or ditches along the same in such district, at or during the period provided by law for discharging road tax by labor on other public highways, and shall be allowed therefor in the payment of the taxes so

charged, such compensation as is or may be provided by law in other cases of discharging road taxes on such other highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 25, 1894.  
815L

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[House Bill No. 430.]

### AN ACT

To relieve Charles Myers, of New Rochester, Wood county, Ohio, for losses sustained by him through accident, August 24, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Wood county be and they are hereby authorized to pay to Charles Myers, of New Rochester, Wood county, Ohio, such sum of money as they may deem just and reasonable, not to exceed \$153, damages by him sustained because of injuries to himself and to his property on August 24, 1892, through the breaking down of a defective bridge over a stream leading into the Portage river in said county, through no fault or negligence of the said Charles Myers.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 25, 1894.  
816L

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[House Bill No. 535.]

### AN ACT

To authorize the county commissioners of Geauga county to issue bonds and improve roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Geauga county are hereby authorized to issue the bonds of said county to the amount of one hundred thousand dollars, for the purpose of permanent road improvements within and for said county. Such bonds when so duly issued shall not be sold or disposed of in any case for less than their par value, nor shall they bear interest exceeding five per cent. per annum, payable semi-annually, and they shall be payable, both principal and interest, in New York city. In order to provide for the payment of said interest, the county commissioners are hereby authorized to levy a tax upon all the taxable property of said county sufficient to pay the annual interest on

said bonds. None of such bonds shall become due at a less period than ten years after date of issue, nor at a later period than twenty years after the date of issue; and all such bonds shall be known and named as road improvement bonds, and be issued and signed by the county commissioners and countersigned by the county auditor. None of such bonds shall be sold except for cash or in payment of contracts entered into by the county commissioners for the construction of a road or roads as hereinafter provided; and it shall be unlawful for the county commissioners aforesaid to issue any bonds under the provisions of this act, until authorized thereto by a majority vote of the qualified electors of the county voting upon the question at a general or special election held therein; and such election shall be called and held in the usual way and at the usual places. All ballots voted upon said question at any general or special election shall have written or printed thereon, those in favor of issuing the bonds, "For improvement of roads and issue of bonds—Yes;" those opposed, "For improvement of roads and issue of bonds—No."

SECTION 2. The said bonds and the proceeds of the same shall only be used for the permanent improvement of the roads of said county by placing thereon an iron or steel track suitable for the passage of electric cars or cars propelled by any inanimate power, and said track shall be and remain a part of the public road and a part of the public property, the same as bridges or other road improvements, and shall be located and constructed as hereinafter provided.

SECTION 3. When said road improvements and issuing of bonds shall have been duly authorized by the votes of the electors of said county, the said county commissioners are authorized to call to their aid such engineering skill and legal assistance as they may deem necessary to make the proper estimates, plans, specifications and preliminary contracts for the construction of such a road as is provided for in the next preceding section; and they are authorized to select the route over which the track shall be laid; and should it be necessary, in order to shorten distances or avoid steep grades, said commissioners are hereby authorized to divert the track from the existing highway either by changing the location of the same or by opening up a new road. Said commissioners are hereby authorized to prepare plans and specifications for the construction of an iron or steel track located either in the road-bed itself or at either side so as not to disturb the road-bed, and may, in the exercise, of their discretion, require the rails to be so made and laid that both cars and wagons can pass over the same track propelled by either horse power or inanimate power; or should they deem it more expedient, they may provide a track suitable only for the passage of cars or railroad-wagons propelled by inanimate power. And when the plans and specifications are formulated and agreed upon, it shall be the duty of the commissioners to let the contract for the construction of said road according to said plans and specifications, to the lowest bidder, after advertising the same as is now provided for in the construction of county bridges. Provided, however, that they may receive bids for the work, payable in bonds or in money, or partly in bonds and partly in money.

SECTION 4. When said road is completed, the county commissioners are hereby authorized and empowered to fix a rate of toll of so much per car per mile, for each and every car passing over said road, and should the road be used exclusively by any one person or any one company, it shall be unlawful for said commissioners to fix a rate of toll, the annual

receipts of which would bring to the county less than five per cent. upon the bonds issued by authority of this act. In lieu of tolls per car per mile, they are authorized to fix an annual rental which in no case shall be less than five per cent. of the bonds issued as aforesaid, and the money so received shall be held as a sinking fund to redeem the bonds herein provided for, unless the commissioners in their discretion should apply the said funds or a part thereof to the payment of the annual interest accruing upon said bonds; and if said interest is so paid, then the annual levy for interest as hereinbefore provided for may be omitted.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 25, 1894.  
317L

[House Bill No. 616.]

### AN ACT

To authorize the commissioners of Hamilton county to widen and improve that portion of Beekman street extending from Harrison avenue to Queen City avenue within the corporate limits of Cincinnati, and to issue and sell bonds therefor, and to levy a tax to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they hereby are authorized to widen that portion of Beekman street extending from Harrison avenue to Queen City avenue, to the full width of sixty feet; and they are hereby authorized and empowered to institute and prosecute such legal proceedings as may be necessary, and be authorized by the law applicable to the condemnation of private property by municipal corporations for public uses, to condemn and acquire such ground as may be necessary to enable them so to widen said portion of said street as aforesaid.

SECTION 2. The said commissioners are hereby authorized to improve said portion of Beekman street, as widened under the provisions of the foregoing section, from Harrison avenue to Queen City avenue, by suitably grading and paving the same, and setting all proper curbs, with necessary crossings, guttering, flagging and drains.

SECTION 3. For the purpose of defraying the expenses of widening and improving said portion of said street as hereinbefore provided, the said commissioners are hereby authorized to issue and sell the bonds of Hamilton county to such amount as may be necessary, not exceeding in the aggregate the sum of thirty-five thousand dollars, in the mode and manner prescribed by sections 871 and 872 of the Revised Statutes of Ohio, and an act passed March 22, 1883 (80, O. L., 68), entitled "An act for the sale of public bonds," except that said bonds shall not bear a rate of interest to exceed five per centum per annum, and they shall be payable at such times and in such amounts as the commissioners shall prescribe; provided, however, that all said bonds shall be payable within ten years from the date of the first issue thereof; and provided further, that

said bonds shall be issued and sold, from time to time, as may be required to meet the expenses to be incurred hereunder; and the proceeds of all such sales shall be credited to what shall be designated as the "Beekman street fund," and shall be applied to such payments upon the warrant of the county auditor of said county issued upon the order of said commissioners.

SECTION 4. The said county commissioners, in addition to their other powers of taxation, are hereby authorized to levy and collect, in addition to all other taxes which they are now by law authorized to levy and collect, upon the taxable property of said county, from year to year, such taxes as may be necessary to meet and pay the interest and principal of said bonds as the same shall mature and become payable; provided, however, no greater tax shall be levied and collected for such purpose, in any one year, than one-twentieth of one mill on the dollar of the taxable property on the duplicate for such year, and all collections so made shall be credited to the "Beekman street fund," and the same shall not be used for any other purpose than to pay the interest and principal of the bonds so to be issued as aforesaid,

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 25, 1894.  
318L

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[House Bill No. 835.]

## AN ACT

To authorize the city council of the city of Youngstown, Ohio, to issue bonds to extend and improve the water-works of said city, and to provide for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Youngstown, Ohio, be and the same is hereby authorized to issue the bonds of said city in the sum of not to exceed one hundred and eighty-six thousand dollars, for the purpose of raising money to improve and extend the water-works system of said city.

SECTION 2. Said bonds shall be of such denomination and payable at such times, not to exceed twenty years from the date of the issue thereof, as the city council of said city shall determine, and shall bear interest at a rate not exceeding six per cent., and shall not be sold for less than their par value. Such bonds shall have attached thereto interest coupons, and the bonds and coupons shall be signed by the mayor and clerk of said city, and attested by the seal thereof.

SECTION 3. For the purpose of paying said bonds and the interest thereon as the same may become due and payable, the said city council is hereby authorized and empowered to levy a tax on all taxable property of said city, in addition to that otherwise authorized by law, in such



amount each year as shall be necessary to the payment of said bonds and interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 25, 1894.  
319L

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[Senate Bill No. 200.]

### AN ACT

To amend an act entitled "An act to enable the board of education of Darbyville special school district of Pickaway county, Ohio, to borrow money and build a school-house," passed February 27, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original sections one and two of an act entitled "An act to enable the board of education of Darbyville special school district of Pickaway county, Ohio, to borrow money and build a school-house," passed February 27, 1893, be amended to read as follows:

Sec. 1. The board of education of Darbyville village school district, Pickaway county, Ohio, be and the same is hereby authorized and empowered to levy a tax upon all the taxable property of the village district, in addition to other levies for the support of the schools of the district, for the purpose of building a school-house in said village of Darbyville, or paying for any school-house constructed under any act of which this act is amendatory.

Sec. 2. That in anticipation of the levy as herein provided, the board of education be and is hereby authorized and empowered to issue bonds in any amount not exceeding thirty-five hundred dollars, in such denominations and for such length of time as said board may deem expedient, at a rate not exceeding six per cent. per annum, payable annually. Said bonds shall be signed by the president of said board of education and attested by the clerk, and shall be sold in pursuance of law.

SECTION 2. Original sections [of] one and two of said act, of which this is amendatory, are hereby repealed, and this act to take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. M-CONICA,  
*President pro tem. of the Senate.*

Passed April 25, 1894.  
320L

[Senate Bill No. 258.]

## AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to grade, macadamize and improve the county road in Delhi and Green townships, commonly called the Jackson road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and are hereby authorized to assess and collect, upon the grand levy of the taxable property of said county, a tax of one-twentieth of one mill on the dollar, one-half of which shall be assessed and collected on the duplicate of 1894, and the remainder on the tax duplicate of 1895, and be applied to the grading, macadamizing and improving the county road in Delhi and Green townships, known as the Jackson road, beginning at the intersection of the Rapid run road and the Jackson road, in section eighteen (18), Delhi township, thence north along said Jackson road on the east side of section eighteen (18) aforesaid to the Sidney Jackson farm in section thirteen (13), Green township, thence following said Jackson road through said Sidney Jackson farm to the Muddy creek turnpike in section thirteen (13) aforesaid, thence following said Jackson road along the east side of sections thirteen (13) and fourteen (14) of Green township, to the Werk road at Valentine Miller's blacksmith shop. Provided, that the amount thus to be expended shall not exceed ten thousand dollars (\$10,000), and any balance remaining to the credit of said fund raised under the provisions of this act, and after the completion of said improvement, shall be reserved by said commissioners for the benefit of said road.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed April 25, 1894.  
321L

[Senate Bill No. 298.]

## AN ACT

To establish, open and improve a certain road in Crane township, Wyandot county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Wyandot county, state of Ohio, are hereby authorized and required to establish, open and improve, for the use of the public, a public road, commencing at the terminus of a certain road running north and south, said terminus being about twenty-five rods north of the south line of section (4), township three (3) south, range fourteen (14) east; thence running south. Said road shall be established on the half ( $\frac{1}{2}$ ) quarter ( $\frac{1}{4}$ ) line of the southwest quarter ( $\frac{1}{4}$ ) of section four (4), and the northwest quarter ( $\frac{1}{4}$ ) of section nine (9), and along the Sandusky river in said northwest quarter ( $\frac{1}{4}$ ) of section nine (9) to a point where a former road on said described line crossed the Sandusky river in

the southeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of the aforesaid section nine (9), and there terminate. Said road shall not be less than forty (40) feet wide.

SECTION 2. That the act entitled "An act to vacate a certain road in Crane township, Wyandot county, Ohio," passed March 29, 1893 (O. S., v. 90, pp. 498, 499), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 25, 1894.

322L

[Senate Bill No. 330.]

### AN ACT

For the relief of David Asire and the sureties on his official bond as treasurer of the board of trustees of cemeteries of the city of Fostoria, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That David Asire, C. E. Palmer, and Levi Harbaugh be and they are hereby released from all liability on the bond of said David Asire, with said C. E. Palmer and Levi Harbaugh as sureties thereon, given by said David Asire as treasurer of the board of trustees of cemeteries of the city of Fostoria, Ohio; provided, however, that said David Asire and said bondsmen shall not be released from said liability until the council of said city of Fostoria shall, by resolution duly passed at a regular session of said council, declare said David Asire and said bondsmen released from all liability on said bond.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed April 25, 1894.

323L

[House Bill No. 630.]

### AN ACT

To create a special school district in Liberty township, Van Wert county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in Liberty township, Van Wert county, Ohio, is hereby made a special school district in said township and county: Sections fifteen (15), sixteen (16), twenty-one (21), twenty-two (22); also the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section seventeen

(17); the west  $\frac{1}{2}$  of the northwest  $\frac{1}{4}$  of section twenty-three (23); the west  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of section fourteen (14); the southwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section 14.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
324L

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[House Bill No. 779.]

### AN ACT

To authorize the board of education of the special high school district of the village of Bellbrook, Greene county, Ohio, to issue bonds for the purpose of building a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special high school district of the village of Bellbrook, Greene county, Ohio, be and is hereby authorized to issue the bonds of said school district in any sum not exceeding four thousand (\$4,000) dollars for the purpose of rebuilding the school building of said district. Said board of education may issue said bonds in such denominations and for such length of time as by resolution they may determine. Said bonds to bear interest at the rate of six (6) per cent. per annum, and shall not be sold at less than par value.

SECTION 2. Said board of education is hereby authorized to make such additional levy upon the taxable property of said village school district as will be necessary to meet the payment of said bonds as the same may become due, and the interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
325L

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[House Bill No. 812.]

### AN ACT

To authorize the board of education of sub-school district number 1, Millcreek township, Hamilton county, Ohio, to issue bonds to complete and equip a new school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Millcreek township, Hamilton county, Ohio, be and they are hereby authorized and empowered to issue bonds for an amount not exceeding fourteen hundred dollars (\$1,400),

payable at such time and place as the board may determine; provided, that said bonds shall be made payable within five years after the date of the issue thereof.

SECTION 2. Said bonds shall be issued by said board and signed by the president and secretary thereof, who shall keep a record of the same, and shall bear interest at a rate not exceeding six per cent. (6%) per annum, payable semi-annually, and shall be in amounts not less than fifty nor more than one hundred dollars each, as said board may determine; said bonds shall not be sold for less than their par value, and funds arising from the sale thereof shall be used only in completing and equipping the new school-house of said district.

SECTION 3. The board of education of said district shall annually levy such amount of taxes, to be collected as other taxes are, as is necessary to pay for the completion and equipment of said new school-house and interest thereon as the same may become due and payable.

SECTION 4. Said board of education may, if in their opinion it becomes necessary, each year, for the next five years after the passage of this act, levy annually on each dollar of valuation of all taxable property in said school district, any sum not exceeding three mills per annum, in addition to that now allowed by law, the proceeds of additional levy to be exclusively used for the payment of said bonds and the interest thereon, authorized to be issued by said board in section one of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 26, 1894.

326L

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[House Bill No. 827.]

## AN ACT

To authorize the council of the incorporated village of Milford, in Clermont and Hamilton counties, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Milford, in Clermont and Hamilton counties, Ohio, be and is hereby authorized to transfer three hundred dollars (\$300) from the hall fund to the street fund, and two hundred dollars (\$200) from the light fund to the street fund.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 26, 1894.

327L

[House Bill No. 829.]

## AN ACT

To authorize the city council of the city of Greenville, Darke county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Greenville, Darke county, Ohio, be and it is hereby authorized and empowered to transfer from the bridge fund of said city to the general water-works fund thereof, any sum not exceeding two thousand dollars; and from the bridge fund of said city to the general fund thereof, any sum not exceeding five hundred dollars.

SECTION 2. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 26, 1894.

328L

[House Bill No. 833.]

## AN ACT

To authorize the board of education of the Junction City village school district, Perry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Junction City village school district, Perry county, Ohio, be and is hereby authorized to transfer the sum of three hundred and fifty (\$350) dollars from the debt fund to the contingent fund of said district.

SECTION 2. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 26, 1894.

329L

[House Bill No. 860.]

## AN ACT

To provide for the relief of W. E. McChristie as treasurer of the village of Camden Preble county, Ohio.

WHEREAS, On and prior to the 9th day of June, 1893, W. E. McChristie was the duly elected, qualified and acting treasurer of the village of Camden, Preble county, Ohio, and as such treasurer had on deposit in said the Camden bank, in said village, the funds of said village amounting to the sum of \$1,561.16.

WHEREAS, On said 9th day of June, 1893, said Camden bank failed and made a general assignment for the benefit of its creditors.

WHEREAS, By reason of such failure and assignment of said Camden bank, and without any fault or negligence of the said W. E. McChristie, a part of said funds (about one-half) will be lost, and for which the said W. E. McChristie is and will be liable to said village; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said village of Camden, Preble county, Ohio, by and through its council, be and it is hereby authorized and directed to forever release the said W. E. McChristie and the sureties on his official bond as such treasurer of said village, from the payment to said village of all amount of said funds that may be lost by reason of the failure of said Camden bank, and its inability to pay the amount of said village funds so on deposit as aforesaid; provided, that a majority of the electors of said village, as shown by the last general election in said village, shall first file with the clerk of said village a petition asking for the release and discharge of the said W. E. McChristie, and the sureties on his official bond as such treasurer, from the payment to said village of the amount of the funds of said village that may be lost by reason of the failure of said Camden bank.

SECTION 2. When said petition is filed with said village clerk, if it appear therefrom that a majority of the electors of said village, as shown by the last general election held in said village, have signed said petition, then the council of said village be and it is hereby authorized and directed to pass a resolution releasing and forever discharging the said W. E. McChristie and the sureties on his official bond as such treasurer of said village, from all liability to said village on account of and by reason of the funds of said village lost by the failure of said Camden bank, and the said W. E. McChristie and the sureties on his official bond as such treasurer, shall thereafter be forever released and discharged from the payment of all amount of said funds of said village so on deposit in said Camden bank, and lost by reason of its said failure and assignment.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate*

Passed April 26, 1894.

330L

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[House Bill No. 867.]

## AN ACT

To authorize the trustees of Twin township, Ross county, Ohio, to levy additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*. That the trustees of Twin township, Ross county, Ohio, be and they are hereby empowered to levy an additional tax, of one-half mill on the taxable property of the township, for the benefit of the general township fund.

SECTION 2. This act shall take effect and be in force, from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
331L

[House Bill No. 869.]

### AN ACT

To authorize the trustees of Perry township, Stark county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Perry township, Stark county, Ohio, be and are hereby authorized to transfer the sum of three thousand dollars (\$3,000) from the road fund to the poor fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
332L

[House Bill No. 870.]

### AN ACT

To authorize the board of education of the first special school district of Newport township, Washington county, to issue bonds and make additional tax levies to pay existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the first special school district of Newport township, Washington county, is hereby authorized to borrow, for the purpose of paying an existing indebtedness of said school district, an amount not exceeding fourteen hundred (\$1,400) dollars, and to issue the bonds of said school district therefor in such amounts and on such terms as said school board may determine; and in addition to the levy already authorized by law, it shall make a sufficient levy from year to year on the taxable property of said school district to pay such bonds and the interest thereon as the same become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
333L



[House Bill No. 873.]

## AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Harveysburg, Warren county, Ohio, be and they are hereby authorized to transfer the sum of forty-eight dollars and seventy-three cents (\$48.73), from the "lockup fund" to the "fire fund."

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed April 26, 1894.

334L

[House Bill No. 875.]

## AN ACT

For the relief of J. Arthur Barrett, treasurer of Fairfield township, Highland county, Ohio.

WHEREAS, J. Arthur Barrett was at the April election, A. D. 1893, duly elected township treasurer of the township of Fairfield, Highland county, Ohio; and

WHEREAS, As such treasurer, he in good faith deposited certain of the funds of said township in the Citizens' national bank of Hillsboro, Ohio; and

WHEREAS, Said Citizens' national bank did, on the 9th day of June, A. D. 1893, fail and suspend payment; and

WHEREAS, The receiver of said bank has paid upon the amount of said township funds so deposited in said bank and being at the time of its failure the sum of five hundred and ten dollars (\$510), a dividend of 40 per cent., to wit, the sum of two hundred and four dollars (\$204); and

WHEREAS, Said receiver will be able to pay only a small portion of said balance of three hundred and six dollars (\$306), leaving the larger part thereof uncollectible, for which, said J. Arthur Barrett and the sureties on his official bond are liable; and

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said J. Arthur Barrett and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Fairfield township, Highland county, Ohio, be and they are hereby authorized and empowered by suitable resolution, to release said J. Arthur Barrett and the sureties on his official bond, from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said Citizens' national bank of Hillsboro, Ohio, after payment in full of all dividends thereon collectible from the receiver of said bank.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
885L

[House Bill No. 876.]

### AN ACT

To transfer funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Delphos, Allen county, Ohio, be and is hereby authorized to transfer one thousand dollars (\$1,000) from the general fund to the light fund, of said village.

**SECTION 2.** This act shall take effect and be in force, from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
886L

[House Bill No. 881.]

### AN ACT

To authorize the city of Cleveland, Cuyahoga county, to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the city of Cleveland, Cuyahoga county, be and it is hereby authorized to transfer a sum not to exceed fifty thousand dollars (\$50,000) from the street intersection fund to the paving fund.

**SECTION 2.** That this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 26, 1894.  
887L

[House Bill No. 874.]

### AN ACT

For the relief of James Reece, late treasurer of the incorporated village of Hillsborough, Ohio.

**WHEREAS,** James Reece was at the April election, A. D. 1892, duly elected treasurer of the incorporated village of Hillsborough, Ohio; and

WHEREAS, As such treasurer, he, in good faith deposited certain of the funds of said village in the Citizens' national bank of said place, and which was then a bank of good repute; and

WHEREAS, Said Citizens' national bank, on the 9th day of June, A. D. 1893, failed and suspended payment; and

WHEREAS, The receiver of said bank has paid of the total sum then so deposited, amounting to \$7,235.88, dividend of forty per cent. (40%), to wit, the sum of \$2,894.35; and

WHEREAS, Said receiver will not be able to pay out of the assets of said bank a further dividend of more than 35%, leaving a large balance of said sum so deposited unpaid, for which said James Reece and the sureties on his official bond are liable; and

WHEREAS, A large number of the resident taxpayers of said incorporated village of Hillsborough, Ohio, have petitioned this general assembly for the relief of said James Reece and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the said incorporated village of Hillsborough, Ohio, be and it is hereby authorized, by suitable resolution, to release said James Reece and the sureties on his official bond, from the payment of any balance of the amount of money so deposited of the funds belonging to said village, and for which said treasurer or his sureties may be liable, after the final payment of all dividends thereon that may be made by the receiver of said Citizens' national bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed April 27, 1894.  
338L

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[House Bill No. 194.]

## AN ACT

To abolish the special school district composed of parts of Butler and Blooming Grove townships, of Richland county, Ohio, and to provide for the abandonment of the school of said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the special school district composed of parts of Butler and Blooming Grove townships, Richland county, Ohio, be and the same is hereby abolished, and that the respective portions of said district be attached to those districts of the said townships, of which they formerly or originally formed parts; provided, however, that the board of directors of said special district shall continue and complete the winter term of school of said district, and if, in its judgment, it be desirable, the said board shall hold and support a school in the said special district during the summer of 1894; provided further, that upon the discontinuance and abandonment of said school the property of said special district shall be publicly sold by said board of directors, and the proceeds thereof be distributed equally to the respective districts to which said territory has been attached.

SECTION 2. That this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
339L

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[House Bill No. 547.]

### AN ACT

To authorize the commissioners of Hamilton county, Ohio, to levy a tax to repair a road in Whitewater township, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the commissioners of Hamilton county, Ohio, and they are hereby authorized, at their June meeting after the passage of this act (for levying taxes), to levy a tax on all the taxable property of said Hamilton county, Ohio, in such amount as will create a fund not to exceed twenty-five hundred (\$2,500) dollars. Said fund to be used in repairing a road in Whitewater township, Hamilton county, Ohio. Commencing at the Harrison pike, in Miamitown, in said Whitewater township, and running south and southwest along the Big Miami river to intersection of county road leading from Valley Junction to Cleves, Hamilton county, Ohio, in all about five miles of road, and being and lying in Whitewater township, Hamilton county, Ohio. And that said fund of twenty-five hundred (\$2,500) dollars, or no part of said fund, shall be available for the repair of said road until the December instalment of taxes under said levy be collected and paid into the treasury of said county of Hamilton, next after the passage of this act. Contract for repair of said road to be let after December instalment of taxes are paid into the treasury of said Hamilton county, Ohio, that the repairing of said roads be done under the supervision of the commissioners of said Hamilton county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
340L

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[House Bill No. 684.]

### AN ACT

Supplementary to an act passed March 28, 1889, entitled "An act to authorize the county commissioners of Hamilton county, Ohio, to levy a tax for the purpose of constructing an embankment, or approach, to the east end of the suspension bridge in Whitewater township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized,

directed and required to assess and collect upon the grand levy of the taxable property of said county a tax of one-thirty-fifth (1-35) of a mill on the dollar, to be applied to the purpose of constructing an embankment or approach to the east end of the suspension bridge across the Whitewater river, at what is called Calloway's ford, in leading to said bridge, from the high ground about one-fourth of a mile east of said bridge, westwardly to the east abutment of said bridge, to such a point as to be above high water of the Whitewater river.

SECTION 2. In case the commissioners of said county have already levied and collected the tax authorized by the preceding section, they are hereby authorized and required to proceed forthwith to construct said improvement as originally provided for in the act to which this act is supplementary; and in case they have not yet collected such tax, they are hereby authorized and directed to levy and collect such tax, which shall be assessed in the year eighteen hundred and ninety-four (1894).

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

341L

[House Bill No. 696.]

## AN ACT

To authorize any city of the fourth grade of the second class, which at the last federal census had a population of 8,327, or which at any subsequent federal census may have a population not less than 8,317, to issue bonds for providing said city with a fund to pay said city's portion of permanent street and alley improvements.

[MARION.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the fourth grade of the second class, which at the last federal census had a population of 8,327, or which at any subsequent federal census may have a population not less than 8,317, be and the same is hereby authorized to issue the bonds of said city, as the same are needed, in any sum not exceeding \$100,000, bearing interest at a rate not exceeding six per cent. per annum from date of issue, payable semi-annually, for the purpose of paying one-fiftieth, and no more, of all the costs and expenses, in addition to intersections, for paving and macadamizing the streets and alleys in said city; provided, that not more than \$30,000 of said bonds shall be issued by the council in any one year, but all of said sum for which bonds may be issued during any one year need not be expended and paid out during the year in which said bonds are issued.

SECTION 2. Said bonds shall be issued in the name and under the corporate seal of said city, and signed by the mayor and countersigned by the clerk; said bonds shall be advertised once a week for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in said city, and shall be sold for not less than the par value thereof, with accrued interest, to the highest bidder; and said bonds shall be issued for such denominations as will, in the judgment of

the council of said city, best promote their negotiation and sale. The principal and interest shall be payable at such place and at such times as the council may determine by ordinance; provided, that said bonds shall not be issued for a longer time than twenty-five years; and the faith and credit of said city shall be pledged to the payment of said bonds and interest as the same mature; and it shall be the duty of the council of said city, and it is hereby authorized to levy a tax, each year, upon all the taxable property of said city until all of said bonds are redeemed, not to exceed three mills in addition to the amount now authorized to be levied for municipal purposes, to pay said bonds and the interest thereon as the same become due. That it shall be unlawful for the council to issue any bonds under this act until authorized by a majority vote of the qualified electors of the city voting upon the question at a special election, and such election shall be called and held after giving ten days' notice in two papers published in said city and at such places as may be designated by said council. All ballots voted upon said question at any special election shall have written or printed thereon, "Issue of bonds, Yes," and "Issue of bonds, No," those voting yes shall place a X in the space in front of "Issue of bonds, Yes," and those voting no shall place a X in the space in front of "Issue of bonds, No."

SECTION 2. The money arising from the sale of said bonds shall be placed in a fund to be called "the street and alley paving and macadamizing fund," and shall be used for no other purpose than the payment of said city's portion of the cost and expense of paving and macadamizing the streets and alleys in said city.

SECTION 4. This act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

342L

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[House Bill No. 705.]

## AN ACT

Supplemental to "An act to authorize the county commissioners of Stark county to repair, improve, alter and enlarge the court-house at the county-seat of said county, and to issue bonds therefor," passed March 1, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That as supplemental to said act, the court of common pleas of said county is hereby authorized to appoint four trustees, chosen equally from the two principal political parties, who, together with the county commissioners of said county, shall constitute a board of trustees to complete the improvement of said court-house contemplated in said act. Said board shall serve without compensation, but shall be paid their necessary expenses in performing their duties. All vacancies in said board shall be filled in the same manner, and from the same political party as the original appointments.

SECTION 2. Said board shall select from its number a chairman, but the auditor of said county shall be clerk of said board. Said board

shall have power to appoint and employ all necessary agents, employees and representatives that it may deem proper, and fix their compensation, and make all further contracts which shall be required, in its judgment, to complete said improvement, and such further improvements concerning said court-house as it shall determine upon; to examine the portion of said improvement heretofore made, and all contracts, writings and books relating thereto.

SECTION 3. No money shall be expended on account of said court-house unless first authorized by said board of trustees, who shall certify to said county commissioners all expenditures so to be made, and thereupon said county commissioners shall make and issue proper warrants therefor; and no trustee, or person holding any appointment from said board, shall be interested, directly or indirectly, in any contract concerning said court-house.

SECTION 4. All contracts concerning said improvement shall first be ordered by a majority of said board, and, in pursuance of such orders, shall be signed by said commissioners on behalf of said county, and by the contractor, selected by said board. No alterations in such contract or contracts shall be made other than by the direction of said board, and such order shall be of no effect until the price to be paid for the work or materials under such altered or modified contract shall be agreed upon in writing and signed by the contractor and such commissioners; and no contractor shall be allowed anything for extra work or materials caused by any alteration or modification unless an order is made or agreement signed as aforesaid, nor shall he, in any case, be allowed or recover more for such work and materials than said agreed price.

SECTION 5. Said board shall not enter into any contract for work or materials in making said improvement exceeding one thousand dollars (\$1,000), without first causing ten days' notice to be given in three newspapers of general circulation, published, one in Canton, one in Massillon and one in Alliance, in said county, that sealed proposals will be received for doing such work or furnishing materials. Each bid shall be accompanied by a bond signed by sufficient sureties, for the execution of the contract, if awarded by the board, and shall be inclosed in a sealed envelope and deposited with the clerk of said board, and all bids shall be opened at a meeting of the board.

SECTION 6. Said board shall enter into contracts with the lowest and best bidder upon his giving bond to the state of Ohio for the use of Stark county, in such sum and with such sureties as the board shall approve, that he will perform the work and furnish materials in accordance with his contract; and on failure of such bidder, within a reasonable time to be fixed by the board, to enter into such bond, a contract may be made with the next lowest bidder, and so on until the contract is effected by a contractor giving bond as aforesaid; provided, that the board may subdivide said work as they deem proper, and may reject any and all bids.

SECTION 7. The county commissioners of said Stark county, for the purpose of completing such improvement, alteration and enlargement of said court-house, are hereby authorized and directed to borrow such sums of money, not exceeding one hundred thousand dollars (\$100,000) as such board of trustees shall deem necessary and direct, at a rate of interest not exceeding five per cent. per annum, and issue the bonds of said county therefor. The principal of said bonds shall be payable at such time or times, not exceeding twenty years after their date, as said

board shall order, and the interest of said bonds shall be payable semi-annually. The said bonds shall not be sold for less than their par value. Said bonds shall specify the purpose for which they are issued; shall be in such respective sums as said board shall determine; shall be payable to order or bearer, as the purchaser or purchasers thereof may elect, and shall be signed by said commissioners and attested by the county auditor of said county; and said county auditor shall keep a record of all bonds and coupons thereto attached.

SECTION 8. For the purpose of paying the interest on said bonds, and the principal of the same, as they become due, the commissioners of said county shall annually levy a tax upon all the taxable property in said county, in addition to the taxes now by law authorized to be levied thereon.

SECTION 9. Said trustees shall hold their office until the completion of said improvement, but may be removed summarily by said court for misconduct in office or neglect of duty.

SECTION 10. Said original act is hereby modified as provided herein and this act shall take effect on and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

343L

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[House Bill No. 728.]

## AN ACT

To authorize the commissioners of Hamilton county to levy a tax for improving, grading and macadamizing Indian Hill avenue, in Columbia township, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to improve, as herein provided, a road, to be known as Indian Hill avenue, leading by the most practicable and economical route from the east corporation line of Madisonville, passing Armstrong chapel to the Wooster turnpike at Terrace park, in Columbia township, a distance of about four and one-eighth miles.

SECTION 2. To facilitate the execution of the preceding section, the said commissioners shall appoint three freeholders of said county as trustees to view, survey and obtain the right of way through any lands where it is desirable to vary from the present line of said road, by dedication, or agree with the owners of such lands for the purchase thereof, subject to the approval of said commissioners.

SECTION 3. If the said trustees and the owners of said lands fail to agree as to the amount of compensation, the trustees shall report the same to the commissioners, with a description of the property sought to be appropriated, and thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations, said commissioners to act therein as the council would act for the municipal corporation.



SECTION 4. The trustees shall establish the grade of said road, after the title thereto has been obtained by grant, purchase or appropriation, estimate the cost of improving the same by grading, macadamizing and constructing the necessary bridges and drains, and employ an engineer to assist in so doing, and report the same to the said commissioners, together with all expenses of every kind incurred in connection therewith, including cost of necessary right of way.

SECTION 5. When the report of the trustees, as provided in the preceding section, is filed with the county commissioners, they shall at once advertise for bids for ten consecutive days, in a newspaper of general circulation in said county, for improving said road by grading, macadamizing and constructing the necessary bridges and drains. And the said commissioners shall award the contract to the lowest and best bidder. The improvement shall be made under the supervision of the said trustees, who shall report, from time to time, to said commissioners, who are hereby given exclusive and complete jurisdiction in the improvement and levy provided for herein. The trustees shall be allowed, as compensation for their services, not to exceed one hundred dollars each.

SECTION 6. The said commissioners may begin the construction of said road, with full authority to contract for the same, at any time from and after the passage of this bill, in anticipation of said levy.

SECTION 7. The said commissioners, in addition to their other powers of taxation, are hereby authorized to levy and collect, on the grand levy of taxes on the taxable property of said county, a tax of two-tenths ( $\frac{2}{10}$ ) of a mill on each dollar valuation thereof, one-half of which shall be assessed and collected on the tax duplicate of the year 1894, and the remainder on the tax duplicate of the year 1895, for the purpose of creating a fund for carrying out the provisions of this bill; and any unexpended balance remaining in said fund after the completion of said improvement, shall be reserved by said commissioners for the benefit of said road.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
344L

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[House Bill No. 765.]

### AN ACT

To authorize the trustees of the Columbus Grove charge of the U. B. church to convey certain real estate in Monroe township, Allen county, Ohio, to Andrew J. McFarland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Columbus Grove charge of the church organization known as the United Brethren in Christ, be and the same are hereby authorized and empowered to convey by deed, all right and title of said church to a certain tract of land deeded to the trustees of said church by Henry Solomon and wife, on September thirtieth (30), eighteen

hundred and fifty-one (1851), to Andrew J. McFarland; said tract of land described as follows: Situated in the southeast corner of the southeast quarter of section twenty-eight (28), township two (2) south, range seven (7) east, the same extending north and south eight (8) rods and east and west six (6) rods, and containing forty-eight (48) square rods of land, and better known as the Prairie church lot, formerly occupied by a church building belonging to the Downing class of said church, in Monroe township, Allen county, Ohio.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

345L

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[House Bill No. 772.]

### AN ACT

To authorize the city of Ironton and Upper township, in Lawrence county, to buy lands for cemetery purposes and issue bonds therefor.

WHEREAS, The township of Upper, in the county of Lawrence, and state of Ohio, and the city of Ironton, situated in said township, have united in the purchase and care of Woodland cemetery, situated in said township; and

WHEREAS, It has become necessary that more land should be bought for the enlargement of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of said city and the trustees of said township be and they are here empowered and authorized to issue bonds, not to exceed the sum of six thousand (\$6,000) dollars, or so much thereof as may be necessary, for the purpose of purchasing lands for the enlargement of said cemetery; said bonds shall be of such denominations, and bear such rate of interest, not to exceed six per cent., payable semi-annually, and mature at such times, not exceeding ten years from the date of the issuing thereof, as said council and trustees shall determine, and said bonds shall not be sold for less than their par value.

SECTION 2. That for the purpose of providing for the payment of said bonds and the interest thereon as they shall mature, the council of said city and trustees of said township, at their joint meeting to be held the first Friday of May in each year, are hereby authorized to levy, in addition to the tax otherwise authorized by law, a tax upon all the taxable property of said city and township, at such rates as will pay such bonds and interest as they become due and payable, which tax shall be levied and collected according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

346L

[House Bill No. 799.]

## AN ACT

To authorize the township trustees of Pittsfield township, Lorain county, Ohio, to erect a soldiers' monument.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Pittsfield township, Lorain county, Ohio, are hereby authorized and empowered upon the collection of the additional tax authorized by an act passed January 26, A. D. 1893, entitled "An act to authorize the trustees of Pittsfield township, Lorain county, Ohio, to levy additional tax for the erection of a soldiers' monument" to erect a monument in memory of those who died or were killed during the war of 1861 to 1865, upon the public square at the center of said township, the cost of said monument not to exceed the amount collected under said act.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

347L

[House Bill No. 840.]

## AN ACT

To amend section 3 of an act entitled "An act to authorize the council of the city of Canton, Ohio, to appoint a board of trustees to take charge of property bequeathed to the poor of said city, and hold the same in trust for them," passed January 13, 1879 (v. 76, O. L., p. 197).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of an act entitled "An act to authorize the council of the city of Canton, Ohio, to appoint a board of trustees to take charge of property bequeathed to the poor of said city, and hold the same in trust for them," be so amended as to read as follows:

Sec. 3. Said board of trustees are hereby authorized and required to take charge of all the property that has been bequeathed to the poor people of the city of Canton, Ohio, by the last will and testament of Thomas Hartford, deceased, of the city of Pittsburg, Pennsylvania, and to convert said property into an irreducible interest-bearing fund, consisting of first mortgage notes on real estate and bonds, and to hold the same in trust forever. The interest arising from such notes and bonds shall be handed over to the Canton association of charities, a corporation of the state of Ohio, with its principal office at Canton, Ohio, at least once in every six months, to be by said corporation disbursed to the poor people of said city. The secretary of the board shall take a receipt, signed by the president of said corporation, and file the same in proper order. The said corporation shall deposit all moneys arising from the interest on said fund with the city treasurer, to be paid out for the benefit of the poor only, and by order of the board of said corporation, signed by the president and secretary of said corporation.

SECTION 2. Said original section 3 is hereby repealed, and this act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
 848L

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[House Bill No. 848.]

### AN ACT

To authorize the board of administration of any city of the first grade of the first class to pave bridges or arches out of the pavement fund.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class, the board of administration of such city shall have the power to improve the traveled surface of any bridge or arch within such city by paving the same with any suitable material at a cost not to exceed in the aggregate \$4,000 and to pay therefor out of the pavement fund, or granite pavement fund, or additional granite fund of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
 849L

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[House Bill No. 855.]

### AN ACT

To authorize the commissioners of Morgan county, Ohio, to pay W. R. Dutton unpaid costs for legal advertising.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Morgan county, Ohio, be, and are hereby authorized to pay to W. R. Dutton the sum of seventy-six dollars and thirty cents due him for publishing in the "Malta Register," in the year 1892, the following legal advertising: "Sheriff's proclamation of election." "Times of holding circuit court." "Times of holding common pleas court."

SECTION 2. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
 850L

[House Bill No. 862.]

## AN ACT

To authorize and empower the commissioners of Ross county, Ohio, to issue bonds to pay the floating indebtedness of said county, and to levy an additional tax to pay the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Ross county, Ohio, be and they are hereby authorized and empowered to issue the bonds of said county to the amount of forty thousand dollars, and no more, to pay the existing orders or warrants issued heretofore by the county auditor of said county against the general fund of said county, and unpaid for want of funds in said general county fund, which said bonds shall be made payable, five thousand dollars each, and every six months, from the fifteenth day of July, 1896, until the fifteenth day of July, 1900. Said bonds shall be issued in denominations of five hundred dollars each, and shall bear interest at the rate of not more than six per cent. per annum, payable semi-annually from their date, and shall be sold for not less than their par value, to the highest and best bidder therefor.

SECTION 2. The said board of county commissioners are hereby authorized and empowered to levy a tax, in addition to that authorized by law, on all the taxable property of said county, sufficient to pay the said bonds and the interest thereon as they mature.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. MCCONICA,

*President pro tem. of the Senate.*

Passed May 1, 1894.

351L

[House Bill No. 866.]

## AN ACT

To authorize the commissioners of any county which, at the federal census of 1890 had, or which at any subsequent federal census may have a population of not less than 42,373 nor more than 42,376, to levy an additional tax for county purposes.

[TRUMBULL COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county which, at the federal census may have a population of not less than 42,373 nor more than 42,376, be and they are hereby authorized at their June session, 1894, and annually thereafter for a period of twelve years, to levy not to exceed one mill and two-tenths of one mill upon each dollar of the taxable property of the county for county purposes, in addition to the levy now authorized by law, the same to be entered on the duplicate of said county and collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
 852L

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[House Bill No. 909.]

### AN ACT

To authorize the council of the incorporated village of Eaton, Preble county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Eaton, Preble county, be and are hereby authorized to transfer the sum of five hundred (\$500) dollars from the police fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 1, 1894.  
 853L

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[House Bill No. 804.]

### AN ACT

To submit to the electors of certain townships the question of issuing bonds for the purpose of building and operating a street railroad.

[CANFIELD TOWNSHIP, MAHONING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any township which by the federal census of 1890 had and which by any subsequent federal census may have a population not less than one thousand five hundred and sixty-five, nor more than one thousand five hundred and sixty-seven, the township trustees shall, by resolution passed by a majority of the members elected, declare it to be essential to the interest of such township that a line of street railway, to be named in said resolution, should be between the termini designated therein, one of which shall be a point in such township upon the line of some other railway now constructed and in operation, it shall be lawful for a board of trustees, appointed as herein provided, and they are hereby authorized, to borrow as a fund for that purpose, not to exceed the sum of twenty thousand dollars, and to issue bonds therefor in the name of said township, bearing interest at a rate not exceeding six per cent. (6%) per annum, payable semi-annually. Said bonds to be payable at such times

and places and in such sums as shall be deemed best by said board. Said bonds shall be signed and sealed by the president of said board, and attested by the clerk of such township, who shall keep a register of the same, and shall be secured by a mortgage on the line of street railway and by the pledge of the township, and a tax, which it shall be the duty of the trustees thereof annually to levy, sufficient, together with their income, to pay the interest and provide a sinking fund for the redemption of said bonds; provided, that no money shall be borrowed on bonds issued until after the question of providing the line of street railway specified in the resolution, shall be submitted to a vote of the qualified electors of such township at a regular or special election to be held by the township trustees thereof, of which not less than twenty days' notice shall be given in a newspaper published in such township; and further provided, that a majority of said electors voting at such election shall decide in favor of said line of street railway. The returns of said election shall be made to the clerk of said township, and by him laid before the township trustees, who shall declare the result by resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

SECTION 2. If a majority of the votes cast at said election shall be in favor of providing the line of street railway as specified in the first section, it shall be the duty of the township clerk forthwith to file a petition in the court of common pleas of the county in which such township is located, praying that the judge thereof will appoint three trustees, who shall be electors and freeholders of said township, to be called the trustees of the ——— railway (the blank to be filled with the name of the railway as given in the resolution); and it shall be the duty of said judge to make the appointment, and enter the same upon the minutes or journal of the court. They shall enter into bond to the township in such sum as the court may direct, with one or more sufficient sureties to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the township treasurer for safe-keeping.

SECTION 3. The said board of trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same. They shall expend said fund in procuring the right to construct, and in constructing a single-track street railway, with all the usual and necessary appendages, and for the purpose aforesaid shall have the power and capacity to make contracts, appoint, employ and pay officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchises, either in such township or any other township into which said line of street railway may extend. They shall also have power to receive donations of land, money, bonds and other personal property, and to dispose of the same in aid of said fund, and they shall have the power to operate said street railroad or to provide for its operation.

SECTION 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such powers as the board may, by resolutions, from time to time, confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their regular office in the township under whose action they are appointed; but they may adjourn, from time to time, to meet at any place they may think proper. They shall keep a record of their proceedings, and cause to be kept a full and accurate account of their disbursements, and make a re-

Port of the same to the township clerk, whenever requested so to do by a resolution of the township trustees. No money shall be drawn from said fund but upon the order of said board, except their own compensation, which shall be paid out of the same, upon the recommendation of the township trustees, by resolution, duly adopted and allowed by the court appointing them.

**SECTION 5.** Said trustees shall have power to take such security from any officer, agent, or contractor chosen, or appointed or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested, directly or indirectly, in any contract concerning said street railway. They shall be responsible only for their own acts.

**SECTION 6.** Whenever the township trustees, or any one of them, of any township under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of the latter has failed in the faithful performance of his trust, it shall be the duty of such township trustees to apply to the court that appointed said board of trustees, by petition, praying that one be removed and another be appointed in his place; and if the said township trustees shall fail to make application, after request of any of the holders of the bonds issued by said board of trustees, or by a taxpayer of such township, such bondholder or taxpayer may file a petition in his own name, on the behalf of the holder of such bonds, for like relief, in any court having jurisdiction; and if the court hearing the action shall adjudge in favor of the plaintiff, such court shall remove such trustee and appoint another in his stead; and when a vacancy shall occur in said board from any other cause, it shall be filled upon like petition and in like manner.

**SECTION 7.** Whenever, in the construction of the line of street railway and its appurtenances, as herein provided, it shall be necessary to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the laws in force at the time for the appropriation of such private property for the use of corporations, except that the oath and verdict of the jury, and judgment of the court, shall be so varied to suit the case.

**SECTION 8.** Whenever there shall be, between the termini designated in any resolution passed under this act, a street railroad already partially constructed, or rights of way acquired therefor, which can be adopted as parts of the line provided for in said resolution, the trustees of said line may purchase or lease the said railroad or right of way, and pay for same out of trust fund.

**SECTION 9.** Whenever, in the construction of a line of street railway, as herein provided, the said board of trustees shall find it necessary to use or occupy any street, alley, or other public way, space, or ground, or any part thereof of any incorporated village in said township, proceedings shall be commenced and conducted with the laws in force at the time for the appropriation of such rights or easements by street railway corporations, except that the oath and verdict of the jury, and the judgment of the court, shall be so varied as to suit the case.

**SECTION 10.** On the final completion of any line of street railway, or any part thereof, constructed under the provisions of this act, the board of trustees shall have power to lease the same to any person or persons, or company, as will conform to the terms and conditions which shall be fixed and provided by the said board of trustees.



SECTION 11. That the trustees of any township described in this act may, after trustees have been appointed, as provided in this act, advance to said trustees, out of any funds of said township, such sum as is necessary, not exceeding five hundred dollars, for carrying the object for which they were appointed into effect, and the said sum shall be repaid out of the trust fund provided for in this act, when raised.

SECTION 12. Deeds and contracts may be made, and proceedings for appropriations and actions may be commenced, either in the name of such township providing the line of railway, or in the name of the trustees of ——— railway, and said proceedings may be commenced and conducted, either in the court of common pleas, or probate court, as in the case of appropriations for the use of municipal corporations.

SECTION 13. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 2, 1894.

354L

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[House Bill No. 820.]

## AN ACT

To provide an official stenographer for certain counties therein described.

[SENECA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having a population of not less than 40,869 nor more than 40,879, by the federal census of 1890, or which at any federal census may have such population, the court of common pleas or the judge thereof, in vacation, may appoint one official stenographer for such county, who shall hold his office for a term of three years from and after the date of his appointment, and until his successor is appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office; and he shall receive a salary of eight hundred dollars per annum, payable in equal monthly instalments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried in the circuit, common pleas

and probate courts, to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer; provided, that if the sessions of the above courts at any time are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless said transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries. And when required by the prosecuting attorney, and after taking the grand juror's oath of secrecy, shall make accurate stenographic notes of the testimony of witnesses called before the grand jury; all transcripts of which into longhand shall be paid for out of the county treasury.

SECTION 3. Such stenographer shall receive, for making such transcripts of said notes into longhand, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy. And in every case reported in said courts, there shall be taxed for each day's service of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county, by the clerk of the court.

SECTION 4. Said stenographer shall have his office at the court-house of the county, which said office and the necessary stationery for the use of said stenographer shall be furnished by the commissioners of said counties. Said stenographer shall have power to take and certify depositions in any of the courts of this state, and may be appointed referee to take and report proof in causes pending in any of the courts of this state; and in taking such depositions and proof, he shall have power to swear witnesses, and for services under this section, shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 2, 1894.  
 355L

[House Bill No. 871.]

## AN ACT

To amend section 8 of an act entitled "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads, and provide for the payment thereof by a local tax," passed March 25th, 1890 (Ohio laws, vol. 87, page 477).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8 of an act entitled, "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads, and provide for the payment thereof by a local tax," passed March 25th, 1890, be amended so as to read as follows:

Sec. 8. When two miles or more of any of said lines of road is completed the commissioners shall establish a toll gate, appoint a toll collector, fix a tariff of tolls and cause the same to be collected, and as the work of constructing such roads progresses they may establish other gates upon the same and provide for the collection of tolls thereat. When such roads are completed the tolls shall thereafter be paid into the township treasury to the credit of said road district, and shall be used for the purpose of making necessary repairs of said roads, and the provisions of the improved road law, sections 4889, 4890, 4891, 4892 and 4894 of the Revised Statutes of Ohio, shall apply to said roads in addition to the provisions of said act of which this is amendatory.

SECTION 2. That said section 8 of said act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 2, 1894.  
356L

[House Bill No. 888.]

## AN ACT

To authorize the trustees of Independence township, Cuyahoga county, to levy a tax to build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Independence township, Cuyahoga county, be and they are hereby authorized to levy a tax, in addition to that now authorized by law to be levied, for the purpose of erecting a town hall in precinct B of said township, to be used for voting and other purposes, and to cost not to exceed one thousand dollars.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives,*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 2, 1894.  
357L

[House Bill No. 917.]

### AN ACT

To authorize the incorporated village of Kent, Portage county, Ohio, to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Kent, Ohio, be and the same hereby is authorized and empowered to transfer a sum not exceeding seven hundred (\$700) dollars from the police fund to the street fund of said village.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 2, 1894.  
358L

[House Bill No. 681.]

### AN ACT

To provide for a general index in the probate judge's office in certain counties.

[FRANKLIN COUNTY.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That in counties having therein a city of the first grade of the second class, the probate judge may make a general index of the records in his office, and the county commissioners shall fix the compensation for the same, to be paid for out of the county treasury upon the sworn statement of the probate judge.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 3, 1894.  
359L

## AN ACT

To authorize the commissioners of Hamilton county, Ohio, to purchase the Cincinnati and Spring Grove avenue road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to purchase the turnpike road, known as the Cincinnati and Spring Grove avenue, from the corporation limits of the city of Cincinnati to its northeastern terminus, provided the same can be purchased for a sum not in excess of fifteen thousand dollars; and should said commissioners not be able to agree with said company, for the purchase of said road, then they may cause proceedings to be instituted in the probate court, for the condemnation of the same, as provided by law for the appropriation of private property by municipal corporations.

SECTION 2. For the purpose of raising the money necessary to purchase said road, the commissioners are hereby authorized to issue the bonds of the county, bearing interest not exceeding five per cent., and in addition to their other powers of taxation, to levy such rate of taxes upon the general duplicate for the year 1895, as may be necessary to raise a fund to pay said bonds and the interest thereon, at their maturity.

SECTION 3. This act shall take effect and be in force, from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 3, 1894.

360L

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[Senate Bill No. 343.]

## AN ACT

To authorize the trustees of Euclid township, Cuyahoga county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Euclid township, in Cuyahoga county, in the state of Ohio, be and are hereby authorized to transfer two thousand (\$2,000) dollars from the poor fund to the town hall fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 4, 1894.

361L

## AN ACT

To authorize the trustees of Pleasant township, Putnam county, state of Ohio, to issue bonds and levy a tax for the purpose of paying off the bonds of said township issued under an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve public highways in said townships, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Pleasant township, in Putnam county and state of Ohio, are hereby authorized to issue the bonds of said township of Pleasant to the amount of \$54,000, for the purpose of providing for the payment of the bonds of said township issued by the said board of trustees pursuant to an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes."

SECTION 2. That said bonds shall be issued in denominations of \$500 each, and all of said bonds shall be issued to mature at such times as said board of trustees shall determine, but not to exceed ten years from the date of their issue, and shall bear interest at the rate of six per cent., payable semi-annually, and shall not be sold for less than their par value; and said bonds shall be signed by the trustees of said township and countersigned by the clerk of said township.

SECTION 3. That it shall be the duty of said board of trustees to issue and sell said bonds at such times and in such amounts as will provide a fund to pay off, as they become due, the bonds of said township now outstanding, and issued pursuant to said act passed April 13, 1880, and acts amendatory thereto. And the proceeds arising from the sale of said bonds shall be applied in the payment of said bonds now outstanding.

SECTION 4. That said board of trustees are hereby authorized and empowered to levy, annually, a tax not to exceed seven mills on the dollar, in addition to other taxes authorized by law, on all the taxable property of said township, for the purpose of paying the principal and interest on the bonds in this act authorized to be issued.

SECTION 5. The levy provided for herein shall be placed upon the tax duplicate and collected as other taxes, and when collected shall be paid over to the township treasurer of said township of Pleasant, and shall be under the control of said trustees. And said township treasurer shall receive as his compensation for receiving and paying out said money, one-half of one per centum of the amount so received and paid out.

SECTION 6. The said trustees are hereby prohibited from issuing additional bonds under said original act passed April 13, 1880, and the act amendatory thereto, passed April 19, 1881.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 4, 1894.

362L

SECTION 3. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 4, 1894.  
 367L

[House Bill No. 949.]

### AN ACT

To amend an act entitled "An act to authorize the trustees of Painesville township, Lake county, Ohio, to issue bonds and levy a tax for the improvement of certain roads in said township."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Painesville township, Lake county, be and they are hereby authorized to improve and macadamize the road leading from Painesville to Fairport commonly known as the old plank road, also the road leading from Painesville to Richmond and for the repairing of such other roads in said township as the said trustees may deem necessary.

SECTION 2. To provide for the payment of making said road improvements, the trustees of said Painesville township, be and they are hereby authorized to issue the bonds of the said township, for an amount not to exceed six thousand dollars (\$6,000) which bonds shall not be sold for less than their par value, and shall bear interest at a rate not to exceed six per cent. per annum from the date of issue, payable semi-annually. The principal of said bonds shall be payable at such times and places as the trustees of said township may determine, within a period not exceeding ten years, and shall be adjusted and sold according to law.

SECTION 3. The trustees of said Painesville township are hereby authorized to levy a tax, annually, in addition to the amount of taxes which now is or hereafter may be authorized by law upon all the taxable property of said township, sufficient to pay the principal and interest on said bonds, as the same become due.

SECTION 4. That said original act passed April 15, 1892 (O. L. page 644), be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 4, 1894.  
 368L

[House Bill No. 967.]

### AN ACT

To authorize the trustees of York township, Union county, Ohio, to transfer funds

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of York township, Union county, Ohio, be,

hereby made a special school district to be known as the Paxton special school district of Miami township, Clermont county, Ohio, and said special school district shall be governed by the laws of Ohio governing special school districts.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 4, 1894.  
365L

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[House Bill No. 935.]

### AN ACT

To authorize the village council of Cedarville, Greene county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Cedarville, Greene county, Ohio, be and it is hereby authorized to transfer one hundred and eighty-three (\$183) dollars from the police fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 4, 1894.  
366L

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[House Bill No. 938.]

### AN ACT

To change the names of certain persons therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the respective surnames of Joseph Rogowskie, Fannie Rogowskie, his wife; Julius Leon Rogowskie, Bessie Lee Rogowskie, his wife; and Moses Rogowskie, all of whom are residents of Cincinnati, Hamilton county, Ohio, be and the same are hereby changed so as to read as follows, respectively, to wit: Joseph Ruskin, Fannie Ruskin, Julius Leon Ruskin, Bessie Lee Ruskin and Moses Ruskin.

SECTION 2. That such change of surnames shall in no wise affect the rights, privileges and liabilities of either of said persons, individually and generally.



not to exceed in the aggregate one hundred and fifty thousand (\$150,000) dollars, to pay for the completion of said viaducts and for such lawful claims for damages as may be sustained by property-owners or business men along the line of said viaduct, occasioned by the construction thereof. Said bonds shall be designated viaduct bonds and shall be issued in denominations of one thousand dollars each, and shall run for such time as said councils may determine, not to exceed a period of fifteen years, and shall bear such interest as said councils may determine, not to exceed six (6) per cent. per annum; said interest to be paid semi-annually, and shall be issued according to the provisions of the statute regulating the issue of other bonds of such cities.

SECTION 2. To pay the principal and interest of said bonds, such councils are hereby authorized to, and shall levy annually upon all the taxable property of said cities a tax sufficient in rate and amount to pay said interest and to provide a sinking fund to pay said bonds at maturity. Said tax shall be in addition to the rate and amount of all other taxes authorized to be levied by said cities for any and all other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

371L

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[House Bill No. 687.]

### AN ACT

To enable the boards of education of Washington township, Brown county, and Clay township, Highland county, to remove a school-house from a joint sub-district of Brown and Highland counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boards of education of Washington township, Brown county, and Clay township, Highland county, are hereby authorized and empowered to remove the school-house, known as the Clover Leaf school-house, in the joint subdistrict of Brown and Highland counties, into Highland county.

SECTION 2. This act to take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

372L

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[House Bill No. 762.]

### AN ACT

To authorize the board of education of Ridgeville township, Henry county, Ohio, to issue bonds for the purpose of building and furnishing school-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Ridgeville township, Henry

county, Ohio, be and is hereby authorized and empowered to issue and sell the bonds of the said board of education for the purpose of building and furnishing school-houses in subdistricts one and two of said township. Said bonds shall not exceed in the aggregate the sum of two thousand five hundred dollars, in denominations of five hundred dollars each, due in one, two, three, four and five years respectively, after date.

SECTION 2. The bonds provided for in section one of this act shall bear interest at a rate not exceeding six per cent. per annum, payable annually, and shall not be sold for less than their par value and accrued interest; and to provide for the payment of said bonds as they shall become due and for the payment of the interest thereon, the board of education of said township shall annually levy a tax not exceeding in any one year two mills upon each dollar of the valuation of said township in addition to the taxes now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
373L

[House Bill No. 330.]

### AN ACT

To increase tax levy in special school district of the village of Union City, Darke county, Ohio.

WHEREAS, The village of Union City, Darke county, Ohio, is unable, for want of funds, to make proper repairs of its school building in said district, and is also unable to obtain sufficient funds to pay the teachers thereof and to furnish teachers' supplies; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the special school district of the village of Union City, in Darke county, be and it is hereby authorized to make a levy each and every year on all the taxable property in said special school district, in addition to the levy now allowed by law, the sum of  $1\frac{1}{2}$  mills on the dollar for tuition purposes, and further sum of  $2\frac{1}{2}$  mills on the dollar for contingent expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
374L

[House Bill No. 838.]

## AN ACT

To authorize the village council of the village of Cardington, Morrow county, Ohio, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Cardington, Morrow county, Ohio, be and the same hereby is authorized to issue the bonds of said village in any sum or sums not exceeding \$25,000, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of providing funds for the purpose of improving, paving and lighting, with electricity or otherwise, the streets of said village.

SECTION 2. The principal of said bonds shall be payable at such place, and at such times, not exceeding twenty-five years from date of issue, as the council of said village may, by ordinance, determine.

SECTION 3. Said bonds shall be issued in such sums as the council may, by ordinance, determine; they shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 4. The question of issuing such bonds shall first be submitted to a vote of the qualified electors of said village, at a general or special election held in said village, and thirty days' notice of the submission shall be given in one or more newspapers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if two-thirds of the voters voting at such election, upon the question of issuing the bonds vote in favor thereof, then and not otherwise, the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots, "For the issue of bonds;" and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
375L

[House Bill No. 878.]

## AN ACT

To authorize an additional levy for county fund of Athens county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Athens county, Ohio, be and are hereby authorized to make an additional levy of three (3) mills on all taxable property of said county in addition to the tax now authorized by law for county fund for the years 1895, 1896, 1897, 1898 and 1899.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
376L

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[House Bill No. 882.]

## AN ACT

To authorize municipal corporations within counties containing a city of the second grade of the first class to jointly construct main sewers.

[CLEVELAND AND GLENVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the respective councils of any two or more municipal corporations within any county containing a city of the second grade of the first class shall have power to provide for the construction of a main sewer jointly by such corporations for the purpose of sewerage and draining such corporations or any part thereof, and to agree upon the plan and location of such main sewer and the terms and conditions on which the same shall be constructed and maintained for common use, and the portion of the cost and expense thereof to be paid by each corporation. The council of each corporation shall provide for assessing such portion of the cost and expense of constructing any such main sewer as it shall determine to be a proper charge, for the local sewerage and drainage furnished thereby, upon the lots and lands within such corporation bounding or abutting on the streets, avenues, lanes, alleys, highways or other public grounds, in or along which the same shall pass, and for the collection of such assessments, in the same manner and subject to the same restrictions as provided by law for the assessment and collection of the cost and expense of constructing like improvements wholly within such corporations, respectively, and the excess of such portion of such cost and expense, over the assessment herein authorized, shall be paid out of the sewer fund of the corporation, or, if the corporation is divided into sewer districts, out of the sewer fund of the sewer district or districts, directly or indirectly, sewered in whole or in part thereby, and, in case more than one district is so sewered thereby, the council shall apportion the amount to be paid by each district. The advertisement by such corporations for bids for the construction of any such main sewer shall be published in the manner and for the length of time required for similar advertisements in cities of the second grade of the first class, and the bids shall be filed with the clerk of the board of improvements or board of control, as the case may be, of the corporation by which the largest portion of the cost and expense of such sewer is to be paid, and the same shall be reported by such clerk to the council of each corporation. Any contract made for the construction of such sewer shall be in the names of such corporations jointly, but each corporation shall be liable only for such proportion of the cost and expense of said improvement as shall be specified in the ordinances providing for the same. Except as otherwise provided herein, all proceedings by each corporation in reference to the construction of such joint main sewers and the making and collection of assessments for the payment of any part of the cost and expense thereof, shall be governed by

the laws in relation thereto, which may be in force within such municipal corporations, respectively, so far as the same are applicable.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

377L

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[House Bill No. 887.]

### AN ACT

To provide additional funds for the purpose of paying existing indebtedness incurred in furnishing a new school building with heating apparatus and other furniture, and grading and improving the grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city school district of Troy, Ohio, is hereby authorized to issue the bonds of said city school district in an amount not exceeding eight thousand dollars, to bear interest at the rate not to exceed six (6) per cent. per annum.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

378L

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[House Bill No. 889.]

### AN ACT

To authorize the board of education of the Florida union school district of Florida, Henry county, Ohio, to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Florida union school district of Florida, Henry county, Ohio, be and they are hereby authorized to levy annually, in addition to the taxes now authorized by law a tax not exceeding in any one year three mills upon each dollar of the valuation of said union school district; the proceeds arising from such additional levy to be used for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

379L

[House Bill No. 907.]

## AN ACT

To authorize the board of education of Melrose village school district of Paulding county to increase its tax levy to ten mills for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Melrose village school district of Paulding county is hereby authorized to increase, for school purposes, its tax levy upon all of the property of said district to ten mills per annum for such length of time as said board shall deem necessary and use the funds arising therefrom to pay off and discharge the floating indebtedness of said district, now existing.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

380L

[House Bill No. 919.]

## AN ACT

To authorize the board of education of the incorporated village of Shelby in the county of Richland and state of Ohio to levy a special tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Shelby in the county of Richland and state of Ohio be and they are hereby authorized to levy an additional tax not to exceed ten mills on each dollar of the taxable property in said village for the purpose of maintaining the necessary expenses of the schools and making the necessary repairs on the school buildings. Said levy to be continued each year for a period of five years after the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 8, 1894.

381L

[House Bill No. 943.]

## AN ACT

To authorize the trustees of Millcreek township, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Millcreek township, Hamilton county, Ohio, be and are hereby authorized to transfer two thousand (\$2,000) dollars from the general fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
382L

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[House Bill No. 946.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of McArthur, Vinton county, Ohio, be and are hereby authorized to transfer the sum of two hundred (\$200) dollars from the street light fund of said village to the road fund of said village, and one hundred and fifty-nine and <sup>99</sup>/<sub>100</sub> (\$159.99) dollars from the sinking fund of said village to the corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
383L

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[House Bill No. 961.]

AN ACT

To authorize the incorporated village of Columbus Grove, Putnam county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Columbus Grove, Putnam county, Ohio, be and they are hereby authorized to transfer, not to exceed eight hundred dollars prison funds to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
384L

[House Bill No. 968.]

## AN ACT

To authorize the trustees of Fearing township, Washington county, to transfer funds and build a town house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Fearing township, Washington county, be and are hereby authorized to transfer the sum of one hundred and twenty-five dollars (\$125) from the poor fund, and four hundred and seventy-five dollars (\$475) from the bridge fund, to the building fund of said township.

SECTION 2. That with the six hundred dollars so transferred the said trustees are hereby authorized to purchase a site and build a town house at a cost not to exceed the sum of six hundred dollars (\$600).

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
385L

[House Bill No. 971.]

## AN ACT

To authorize the council of the village of Edon, Williams county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Edon, Williams county, Ohio, be and is hereby authorized to transfer the sum of one hundred (\$100) dollars from the fire fund, and two hundred and fifty (\$250) dollars from the street fund, to the building fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 8, 1894.  
386L

[House Bill No. 680.]

## AN ACT

To provide for the cleaning and sprinkling of, and planting and caring for trees in streets, avenues and alleys, in cities of the first grade of the second class.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first grade of the second class shall have authority to provide, by ordinance, in the man-



ner hereinafter stated, for the sprinkling, sweeping and otherwise cleaning of, and planting and taking care of shade-trees in any of the avenues, streets or alleys, or any part thereof, which have been improved by grading, curbing and guttering and graveling, or by putting crushed stone on the roadway, or by the construction of any permanent pavement and any one or more of said objects, viz.: The cleaning or sprinkling of, and planting and caring for trees may be embraced in any ordinance for such purpose.

SECTION 2. That the director of, public improvement when petitioned by the owners of the property abutting, or any number of them, appoint two electors of such city, who shall be owners of property abutting upon the street, avenue or alley to be sprinkled or cleaned, or in which trees are to be planted, to serve without compensation, who, together with the director of public improvement of the corporation shall constitute a board of commissioners, with full power and authority to clean and sprinkle and plant and take care of shade-trees in any such street, avenue or alley, or in any part thereof, the cost of which, including intersections, shall be a lien upon the abutting property, except that in streets or avenues in which street railroads are or may be located, a pro rata share of the expense of cleaning, sprinkling and sweeping said streets shall be assessed on said street railroad, and be estimated, assessed and collected as provided in section twenty-three hundred and eleven (2311) of the Revised Statutes.

SECTION 3. The commissioners, in carrying out the purpose of such ordinance, may make such contracts as they deem best, but no contract shall be made for a longer period than one year.

SECTION 4. That said commissioners shall be appointed for a term of three years, and a vacancy arising from any cause may be filled by appointment by the director of public improvement of a person qualified as provided in section two of this act.

SECTION 5. That all acts and parts of acts inconsistent with this act, in so far as they may apply to cities of the first grade of the second class, be and the same are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after April 15, 1894.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

387L

[House Bill No. 841.]

## AN ACT

Supplementary to sections one (1), three (3) and five (5) of an act entitled "An act to authorize any incorporated village of Ohio which at the last federal census had, or which at any subsequent census may have, a population of not less than 465 nor more than 480, to issue public improvement bonds," passed April 22, 1893.

[ALBANY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one (1), three (3) and (5) of "An act to authorize

any incorporated village of Ohio, which at the last federal census had, or which at any subsequent federal census may have a population of not less than 465 nor more than 480, to issue public improvement bonds," passed April 22, 1893, be supplemented by sections, with sectional numbering as follows:

Sec. 1a. That any incorporated village of Ohio, which at the last federal census had, or which at any subsequent federal census may have a population of not less than 465 nor more than 480, hereby is authorized and empowered to issue not to exceed five thousand dollars in amount of its bonds, to be styled "street improvement bonds," to be applied to the improvement of its streets.

Sec. 3c. If the result of the vote to be taken, as is provided in the last section, shall be in favor of issuing said bonds, it shall be the duty of the council of such village to have the same printed in denominations of not less than one hundred dollars, to bear interest, payable semi-annually, at not exceeding six per centum per annum, to become due not more than ten years after date thereof, principal and interest to be paid at such places as the said council shall determine. Said bonds shall be denominated "street improvement bonds," shall express on their face that they were issued under this act, and shall be sealed with the seal of such village, signed by the mayor and countersigned and registered by the clerk of such village, and shall be serially numbered.

Sec. 5e. The said board of improvement shall organize by selecting one of its members president and one as secretary; it shall keep a complete record of its proceedings and make a report thereof to the council of said village on the first day of January of each year of its existence; it shall have power to make contracts in the name of said village for the improvement of the streets of said village. It shall also have power to make contracts in the name of said village for the purchase of materials to be used in such street improvements, and may make down payments for such materials, taking security to its own satisfaction, in the name of said village, that the person or persons with whom such contracts are made will perform the parts of such agreements by him or them as agreed to be performed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
888L

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[House Bill No. 905.]

## AN ACT

To create a special school district at the village of Lewisville, Monroe county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby created a special school district at the incorporated village of Lewisville, Monroe county, Ohio, to be known as Lewisville special school district and the same shall include all of the

territory now included in subdistrict number 3 of Summit township, Monroe county, Ohio.

SECTION 2. The board of education of this special school district shall be organized under and be governed by the laws of the state of Ohio that are or may be in force relating to special school board members shall have the qualifications of electors and reside therein.

SECTION 3. Such special district shall be entitled to receive its proportionate share of school funds, and funds for incidental expenses in accordance with the last enumeration of children of school age, said funds being those collected within the county and township treasuries and shall be governed by the law in force governing special school districts.

SECTION 4. Nothing in this act shall in any way affect any contracts made, or taxes levied, before the passage of this act in relation to the present subdistrict number 3.

SECTION 5. This act shall take effect from its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

389L

[House Bill No. 913.]

## AN ACT

To authorize the board of education of Willshire township special school district number one, Van Wert county, Ohio, to borrow money for the purpose of purchasing the necessary real estate, constructing a school-house thereon and furnishing the same in said special school district, and to issue its bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Willshire township special school district number one, Van Wert county, Ohio, be and the same is hereby authorized and empowered to issue bonds of said special district for an amount not to exceed twelve hundred (\$1,200) dollars for the purpose of purchasing grounds and for the erection of a school building thereon, and furnishing the same.

SECTION 2. Said bonds shall be issued by the board and signed by the president thereof and countersigned by the clerk of the board, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually. Said bonds shall be issued at such times and in such sums and payable at such times, not exceeding ten years, as said board of education may, by resolution, determine, and said bonds shall not be sold for less than their par value. The proceeds of said bonds shall be paid into the treasury of said school board, to be used as needed for the purchase of said grounds and the erection of a school-house thereon, and the proper furnishing of the same.

SECTION 3. The clerk of the board of education shall keep a complete record of said bonds, showing the amount of each bond issued, the date thereof and when due; number of bond, and rate of interest; and when the bonds are paid they shall be canceled, and the fact of such cancelation shall be noted on the record.

SECTION 4. That for the purpose of paying the interest of said bonds and the principal of the same, as they become due, the board of education of said Willshire township special school district number one is hereby authorized and empowered to levy a tax annually, on all the taxable property within said special district, not exceeding three (3) mills per annum on the dollar valuation; which levy may, if in the opinion of said board it becomes necessary, be in addition to that now authorized by law to be levied by said board.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
390L

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[House Bill No. 918.]

### AN ACT

To authorize the township trustees of a certain township in the state of Ohio to purchase material and improve roads.

[LIBERTY TOWNSHIP, CRAWFORD COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a majority of the resident landowners of any township, which at the last federal census had, or which at any subsequent federal census may have a population of not more than sixteen hundred nor less than fifteen hundred and ninety, in any county in the state of Ohio, which at the last federal census had, or which at any subsequent federal census may have a population of not more than thirty-one thousand nine hundred and thirty nor less than thirty-one thousand nine hundred and twenty, shall petition the trustees of their township to purchase material and improve a certain road or roads within their township, the trustees shall proceed at once to view said road or roads and if in their judgment the improvement or any part thereof be necessary and practicable, they shall ascertain whether the material for making the improvement can be secured within a reasonable distance and at a reasonable price.

SECTION 2. If after making the view and ascertaining the practicability of securing the necessary material and the price of the same, the trustees shall decide to make said improvement or any part thereof, they shall proceed as follows: They shall first decide what kind of material they will use and the amount needed to make the improvement and shall proceed to purchase the same either by private contract or by advertising for bids, as they may deem best. For the purpose of paying for the material and for loading the same on wagons and for superintending the placing of it upon the roads, the township trustees and their successors in office are hereby authorized to levy annually, upon all the taxable property of the township, a tax not to exceed in any one year two mills upon each dollar of the valuation, in addition to the taxes now authorized by law; and to anticipate the money to be raised by such levy, the trustees are hereby authorized and empowered to issue and sell the bonds of their township in such amount as shall be necessary to pay for the material

and for loading the same on wagons and for superintending the placing of the same upon the road. Said bonds shall not be sold for less than their par value and shall bear interest at a rate not to exceed six per cent. per annum, payable annually, at the office of the township treasurer; the proceeds arising from the sale of said bonds and of the taxes herein authorized, shall be placed in the township treasury, to be paid out upon the warrant of the township clerk for the purposes hereinbefore specified.

SECTION 3. The trustees shall, after purchasing the necessary material, make a careful estimate of the whole number of cubic yards of material required to make the improvement, or so much thereof as they shall decide to make, and shall proceed to apportion the hauling of the same to all the lot and landowners of the township equally, in proportion to the number of acres of land owned by each such owner or owners, specifying when such hauling shall be done and the amount to be done each year; but the amount of hauling that may be required of any such owner or owners to be hauled in any one year shall not exceed one day's hauling for each and every thirteen and one-third acres of land owned. Said hauling shall be done annually between the 20th day of May and the 20th day of June, and between the 15th day of September and the 1st day of November.

SECTION 4. After having apportioned the hauling of the materials as provided for in section 3, the township clerk shall furnish each person having hauling apportioned to him, a statement of the number of days' hauling apportioned to him and the estimated value of the same, also the time when said hauling or any part of the same shall be completed or its equivalent paid in cash; said work shall be estimated by the township trustees at a rate not to exceed two dollars and seventy-five cents per day. Whenever the hauling apportioned to any person or any part thereof is not completed or its equivalent paid in money on or before the time fixed by the trustees each year, the same shall be certified to the county auditor, together with a penalty of five per cent., and shall be placed upon the duplicate, collected as other taxes, and placed in the township treasury to be expended in completing that portion of such labor so apportioned to such owner or owners.

SECTION 5. The township trustees shall appoint some competent person a freeholder in their township, to be known as superintendent of road improvements, who before entering upon the discharge of his duties shall give a bond in the sum of five hundred dollars, payable to the township trustees, conditioned upon the faithful discharge of his duties. Said bond shall be signed by himself and one or more sureties, subject to the approval of the township trustees, and whose duty it shall be to keep a correct account of the amount of material each person hauls and to direct the placing of said material upon the road according to the directions of the trustees. Such superintendent shall be paid not to exceed one dollar and fifty cents per day for the time actually employed. He shall make a report to the trustee[s], at the close of each season's work, stating correctly what persons completed the work apportioned them or any part thereof, and also the amount of work that any such person failed to perform. The superintendent shall employ such number of laborers as shall be actually necessary to load the material upon wagons; such laborers shall be paid not to exceed one dollar and thirty-five cents per day while actually engaged in loading material; the superintendent shall designate one of the laborers to act as foreman, whose duty it shall

be to keep a correct account of the number of days that each laborer is engaged and shall report the same to the township trustees.

SECTION 6. It shall be the duty of the township clerk to make a record of all the proceedings of the township trustees under this act, together with a plat showing the termini, direction, length and width of the improvement and the depth of the material.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
391L

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[House Bill No. 920.]

### AN ACT

To authorize cities of the fourth grade, *a*, of the second class, to issue and sell bonds of the city, not exceeding thirty thousand (\$30,000) dollars, for the purpose of aiding in the erection of a bridge in said city and to levy a tax for the payment of same as they become due.

#### [ASHTABULA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, fourth grade, *a*, be and the same are hereby authorized and empowered to issue and sell their bonds in any sum not exceeding thirty thousand (\$30,000) dollars for the purpose of aiding the county commissioners of any county containing such city, in erecting a high level bridge, across any river in such city at any point, which may be determined upon by such commissioners.

SECTION 2. Said bonds shall be issued and sold as are other bonds issued and sold under existing laws for other public improvements. Provided that if said bonds are not sold at public auction after being once duly advertised, as provided by law, then and in that case the same may be sold for not less than par at private sale, by the treasurer of such city. They shall be designated and known as "high level bridge bonds," shall show upon their face the act of the general assembly, of the state of Ohio, under which authorized, shall be signed by the mayor and attested and registered by the clerk, as are other bonds now authorized by law for public improvements.

SECTION 3. Said bonds shall run for a period not longer than twenty (20) years from the date of the issue of the same and shall together with the interest, be payable at such places as the council may direct, and shall bear interest at a rate not exceeding (6%) six per cent. per annum payable semi-annually and shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each, and shall be sold for not less than their par value.

SECTION 4. The money obtained from the sale of such bonds shall be paid into the hands of the treasurer of such cities, who shall pay the same into the county treasury, and there be placed to the credit

of said bridge fund to be expended in part payment of the cost of the erection of said bridge, as said commissioners may order.

SECTION 5. Before any of such bonds shall be issued and sold, the question of the issue and sale for the purpose herein specified shall be submitted to a vote of the qualified electors of such city, at a general or special election called for the purpose of voting on such question; the ballots used by such electors shall have written or printed thereon the words "To issue bonds for high level bridge—Yes," and "To issue bonds for high level bridge—No;" and if a majority of such electors voting on such question shall vote yes, then, and not otherwise, shall such city issue and sell its bonds as herein provided.

SECTION 6. That for the purpose of paying said bonds at maturity and the interest thereon as it becomes due, the council of such cities are hereby authorized and empowered to levy a tax each year not exceeding one and one-tenth (.0011) mills on the dollar valuation upon all the taxable property of such city in addition to the rate now authorized by law.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

392L

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[House Bill No. 921.]

### AN ACT

To authorize cities of the second class, fourth grade *a*, to issue and sell bonds of the city not exceeding in amount the sum of six thousand dollars (\$6,000), for the purpose of erecting public buildings therein, and to levy a tax for the payment of the same as they become due.

[ASHTABULA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, fourth grade *a*, be and the same is hereby authorized and empowered to issue and sell their bonds in any amount not exceeding the sum of six thousand (\$6,000) dollars for the purpose of erecting public buildings within such municipal corporation and whenever it is desired by the voters of such cities.

SECTION 2. Said bonds shall be issued and sold the same as other bonds for public improvements are issued and sold under the existing laws of the state. Provided that if such bonds are not sold at public auction, after being once duly advertised as provided by law, then, and in that case the same may be sold for not less than their par value at private sale by the treasurer of such city. Such bonds shall be designated and known as "public building bonds," shall show upon their face the act of the general assembly of said state, under which authorized, shall be signed by the mayor, and attested and registered by the clerk as are other bonds now authorized by law for public improvements.

SECTION 3. Said bonds shall run for a period not longer than ten years from the date of the issue of the same and shall together with the interest thereon, be payable at such places as the council may direct and shall bear interest at a rate not exceeding six per cent. (6%) and made payable semi-annually, and shall be issued in denominations of not less than fifty (\$50) dollars nor more than one thousand (\$1,000) dollars, and shall be sold for not less than their par value.

SECTION 4. Before any bonds are issued or tax levied for the payment of the same under this act the question of issuing such bonds shall be submitted to the vote of the qualified electors at a general or special election, called for the purpose of voting on the said question. And thirty days' notice of such submission shall be given in one or more newspapers published in said city once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election. The ballots used by such electors shall have written or printed thereon the words: "For the issue of bonds for public building—Yes," and "For the issue of bonds for public building—No." And if the majority of such electors voting on such question shall vote yes, then and not otherwise shall such city issue and sell its bonds as herein provided. And provided farther that bonds for such purpose shall not be issued for the erection of more than one such public building in any one year, unless the same shall be authorized by a vote had at a regular annual spring election of such city.

SECTION 5. That for the purpose of paying off said bonds at maturity and the interest thereon as it becomes due, the council of such cities are hereby authorized and empowered to levy a tax each year not exceeding six-tenths of one mill on the dollar valuation, upon all of the taxable property of such city, in addition to the rate now authorized by law.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
393L

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[House Bill No. 953.]

## AN ACT

To enable the city of Troy, Miami county, Ohio, to cancel bonds printed on inferior paper and reprint them on superior paper.

WHEREAS, By an act of the general assembly of the state of Ohio, known as house bill No. 489, dated March 25th, 1890, cities of the second class and fourth grade, were authorized to issue bonds not to exceed \$100,000 for the purchase and improvement of real estate for park and other purposes, for the use of said city.

WHEREAS, Under authority and in pursuance of this act, the city of Troy, Ohio, being a city of the second class and fourth grade, issued twelve bonds of five hundred dollars each, dated October 1st, 1891, bearing



five per cent. interest payable semi-annually and to become due and payable in thirty years from the date thereof.

WHEREAS, Two years and seven months have expired since the issue and printing of said bonds, and it has already become apparent that the paper upon which said bonds were printed is of such an inferior quality and they are now becoming so mutilated as to render them unmarketable and entirely worthless as negotiable bonds. Now, therefore, to enable the said city of Troy, Ohio, to redeem and cancel said bonds and issue in their stead new bonds upon such paper as will make them marketable and endurable.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city of Troy, Miami county, Ohio, be and it is hereby authorized to cancel said bonds, with the consent of the holders thereof, and issue in the place of the canceled bonds new ones, printing them upon such paper, as, in the judgment of the city council, will be necessary to make them good and marketable.

SECTION 2. Said bonds shall be dated March 1st, 1894, be executed by the present officers of said city authorized for that purpose; but in all other respects be an exact copy of the canceled bonds.

SECTION 3. This act shall take effect upon its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

394L

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[House Bill No. 973.]

## AN ACT

To authorize villages to regulate and enforce the removal of the dead from cemeteries in certain cases.

[VILLAGES IN HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which is now, or may become, contiguous to any city which is now, or may become, a city of the first grade of the first class, and containing within its corporate limits a cemetery wherein the interment of the dead has heretofore been, or may hereafter be, prohibited, shall have power to provide for the removal of the remains interred in such cemetery, whenever it is made to appear satisfactorily to the council of such village that such removal is essential to the general prosperity and advancement of such village.

SECTION 2. Whenever the council of such village shall, by resolution, declare it necessary that the remains interred in such cemetery shall be removed without the limits of such village, it shall be the duty of the clerk of said village to notify, in writing, the trustees or officers of the association or corporation owning or controlling such cemetery, of the passage of such resolution, and thereupon said officers or trustees shall cause the said remains to be removed from said cemetery and with-

out the limits of said village within six months after the date of the passage of said resolution.

SECTION 3. If the trustees or officers of such cemetery shall fail or refuse for six months after the passage of said resolution, to remove the remains interred in said cemetery without the limits of said village, the council of said village shall have, and is hereby given, the power to declare, by ordinance or resolution, the said cemetery to be a nuisance and to institute proper legal proceedings for the abatement thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.  
395L

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[House Bill No. 974]

### AN ACT

To authorize the commissioners of Huron county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Huron county, whenever, after paying all claims for damages for sheep killed by dogs, that may have, at the September meeting, been found as just and correct, there remains in the fund provided by the dog tax, more than five hundred dollars (\$500) are authorized to transfer the excess, if any, or a part thereof, to the county agricultural society, for the use and benefit of such society in paying such debts as are now outstanding against such society.

SECTION 2. This act shall take effect upon its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.  
396L

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[Senate Bill No. 272.]

### AN ACT

To authorize the commissioners of any county containing a city of the second grade, second class, to issue bonds to provide for deficiency in the county fund.

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county containing a city of the second grade, second class, for the purpose of meeting and providing for a deficiency in the general expense or county fund of said county, arising from insufficient levies for county purposes, be and they

are hereby authorized to issue the bonds of the county in an amount not to exceed fifty thousand dollars (\$50,000). Said bonds shall bear interest not exceeding five per cent. per annum, payable semi-annually, and shall be issued in such denominations and payable at such times as said commissioners may determine, not exceeding seven years from the date of the same, and shall not be sold for less than their par value, and shall be issued, signed and sold according to law. Said bonds and interest shall be payable at the office of the county treasurer of said county.

SECTION 2. That for the redemption of said bonds and the interest thereon, the county commissioners of said county are hereby authorized to levy taxes on all the taxable property of said county, in addition to all other taxes now authorized by law, for such years and in such amounts as shall be necessary to meet and pay the interest and principal of such bonds as the same may become due and payable.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
397L

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[Senate Bill No. 273].

### AN ACT

To authorize the commissioners of any county containing a city of the second grade, second class, to levy an additional tax for general or county purposes.

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county containing a city of the second grade, second class, be and they are hereby authorized to levy annually for a period of five years hereafter, upon all the taxable property of said county, a tax not to exceed eight-tenths of one mill on the dollar on all the taxable property of said county, in addition to the taxes now authorized by law, for general or county purposes of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
398L

## AN ACT

To authorize the trustees of Sugar Tree [Creek] township, Putnam county, state of Ohio, to issue bonds and levy a tax for the purpose of paying off the bonds of said township issued under an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve public highways in said townships, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Sugar Creek township, in Putnam county and state of Ohio, are hereby authorized to issue the bonds of said township of Sugar Creek to the amount of \$28,000, for the purpose of providing for the payment of the bonds of said township issued by the said board of trustees pursuant to an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes."

SECTION 2. That said bonds shall be issued in denominations of \$500 each, and all of said bonds shall be issued to mature at such times as said board of trustees shall determine, but not to exceed ten years from the date of their issue, and shall bear interest at the rate of six per cent., payable semi-annually, and shall not be sold for less than their par value; and said bonds shall be signed by the trustees of said township and countersigned by the clerk of said township.

SECTION 3. That it shall be the duty of said board of trustees to issue and sell said bonds at such times and in such amounts as will provide a fund to pay off, as they become due, the bonds of said township now outstanding, and issued pursuant to said act, passed April 13, 1880, and acts amendatory thereto. And the proceeds arising from the sale of said bonds shall be applied in the payment of said bonds now outstanding.

SECTION 4. That said board of trustees are hereby authorized and empowered to levy, annually, a tax not to exceed seven mills on the dollar, in addition to other taxes authorized by law, on all the taxable property of said township, for the purpose of paying the principal and interest on the bonds in this act authorized to be issued.

SECTION 5. The levy provided for herein shall be placed upon the tax duplicate and collected as other taxes, and when collected shall be paid over to the township treasurer of said township of Sugar Creek, and shall be under the control of said trustees. And said township treasurer shall receive as his compensation for receiving and paying out said money, one per centum of the amount so received and paid out.

SECTION 6. The said trustees are hereby prohibited from issuing additional bonds under said original act passed April 13, 1880, and the act amendatory thereto, passed April 19, 1881.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
399L

[Senate Bill No. 356.]

## AN ACT

Authorizing the board of education of the Riverside school district, Delhi township, Hamilton county, Ohio, to purchase grounds, erect a school building thereon, furnish the same, and to issue bonds for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Riverside school district, Delhi township, Hamilton county, Ohio, is hereby authorized to purchase a suitable site and erect thereon a school-house and furnish the same at a cost not exceeding twenty-five thousand (\$25,000) dollars; the said school-house to be located at such place as will, in the opinion of said board of education, best accommodate the people of the district.

SECTION 2. That for the purpose aforesaid, the board of education is hereby authorized to issue and sell the bonds of said school district, not exceeding twenty-five thousand (\$25,000) dollars, in such denominations as said board may by resolution determine, bearing interest from date of issue at not exceeding six per cent. per annum, interest payable semi-annually, and payable at such time or times and place, not exceeding twenty years from the date thereof, as such board may determine; said bonds to be signed by the president and attested by the secretary of said board; provided, that none of said bonds shall be sold for less than their par value, and the proceeds shall not be applied to any other purpose than as specified in section one of this act.

SECTION 3. The said board of education is hereby authorized to levy a tax, annually, on all property of said school district, as shown by the duplicate thereof, sufficient to pay and redeem said bonds, together with the interest thereon, as they fall due, which levy shall be placed on the tax duplicate by the auditor of said county in the same manner as other taxes levied by said board of education, and said levy shall be in addition to the other taxes authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
400L

[Senate Bill No. 361.]

## AN ACT

To authorize the commissioner[s] of Franklin county to levy a tax for the building, construction, and erection of a morgue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county, in addition to their other powers of taxation, be and are hereby authorized to assess and collect upon the grand duplicate of the taxable property of said county, a tax not exceeding one-tenth of a mill on the dollar, which shall

be assessed in the years 1894 and 1895, to be applied to the building, construction and erection of a morgue; said building, construction and erection of said morgue to be carried out under the joint supervision of said commissioners and the coroner of Franklin county.

SECTION 2. Said morgue may be erected on any lot purchased or otherwise secured for said morgue, by the commissioners and coroner of said county, within the corporate limits of the city of Columbus, Franklin county. When said morgue is completed, it shall, by resolution of the board of county commissioners, be placed in charge of the coroner of said county. Said morgue shall be maintained, cared for, and kept in good repair as other county property by and under the direction of the commissioners of said county of Franklin. And for said purpose of purchasing a lot on which to build said morgue, and for maintaining and keeping said morgue in repair, the said commissioners are authorized to appropriate any surplus remaining in the fund herein created to build, construct and erect said morgue.

SECTION 3. This act shall be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.  
401L

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[Senate Bill No. 379.]

## AN ACT

To create a board of trustees of electric light plant for certain cities, of the third grade, second class.

[NEWARK.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city of the third grade of the second class, having a population at the last federal census of not less than fourteen thousand, nor more than fourteen thousand five hundred, or which at any subsequent federal census may have such population, owning and operating an electric light plant for the purpose of furnishing the city and the citizens thereof with light and power, the management, control and operation of such electric light plant shall be and is hereby vested in a board to be known as the electric light board, to consist of two members, not more than one of whom shall belong to the same political party, and whose term of office shall be for two years, said members to be appointed by the mayor of said city. Upon the appointment of the first board the mayor shall appoint one for one year, and one for two years, and thereafter shall appoint one annually.

SECTION 2. Said board shall make all collections and pay all expenses necessary in the operation of such plant, and at the first meeting of council in each month shall make a written report giving the total amount of receipts from all sources whatsoever; an itemized account of the expenditures, the amount paid, to whom paid, and for what paid; and said board shall have the power and perform all the duties as required by

law of "the trustees of the gas-works" of municipal corporations, so far as the same may be applicable thereto.

SECTION 3. Said trustees shall receive such compensation for their services as the council, by ordinance, shall fix. Said trustees shall qualify by taking the official oath, and each give a bond acceptable to the council, which bond shall be in a sum not less than five thousand dollars as shall be determined by the council by ordinance.

SECTION 4. The mayor may remove any member of said board for improper conduct in office, or official misconduct; and all vacancies, whether occasioned by death, resignation, removal or otherwise, shall be filled by appointment by the mayor, as in the first instance provided.

SECTION 5. That for the carrying out of the provisions of this act the mayor is hereby authorized and directed to appoint said board within ten days after the passage of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

402L

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[Senate Bill No. 381.]

### AN ACT

To change the name of William F. Schmiedeknecht to William F. Schmidt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of William F. Schmiedeknecht, of Cincinnati, Ohio, be changed to that of William F. Schmidt.

SECTION [2.] This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

403L

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[House Bill No. 119.]

### AN ACT

To authorize the board of education of New Richmond school district to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of New Richmond school district, Clermont county, Ohio, be and the same is hereby authorized to levy a tax on all the taxable property within such school district, not exceeding two mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purposes of supporting and continuing the school in said district.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
 404L

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[House Bill No. 337.]

**AN ACT**

**To** authorize the county commissioners of Adams county to construct a certain free turnpike road.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Adams county, Ohio, be and the same are hereby authorized and empowered to construct a free turnpike on the following route, to wit: Beginning at the terminus of the Rome and Mineral Springs free turnpike; thence with or near the public highway to a point near Z. T. Boudonrants; thence with or near the Steam-furnace road to a point near Jack Best's; thence to a point near Purtee's school-house, thence with or near the public highway to the Steam-furnace and Bell free turnpike.

**SECTION 2.** Said commissioners may, in their discretion, order at once the construction of said free turnpike road; but before ordering the same constructed they shall require donations of not less than twenty per centum of the estimated cost thereof, and may issue bonds of the county to pay the cost of constructing the same, bearing not more than six per cent. (6 per cent.) per annum interest, which bonds shall not be sold for less than their par value, and may levy a tax of not exceeding three mills on the dollar, annually, on the taxable property of said county, for the purpose of paying said bonds and the interest thereon.

**SECTION 3.** Said county commissioner's may, at any regular or special session, agree upon plans and specifications for said free turnpike road, and order said improvement, or any part thereof.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
 405L

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[House Bill No. 605.]

**AN ACT**

**To** authorize the county commissioners of Adams county to construct a certain free turnpike road.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Adams county, Ohio, be and



the same are hereby authorized and empowered to construct a free turnpike on the following route, to wit: Beginning at the line between R. H. W. Peterson and G. W. Thoroman on the Jacksonville and Peebles free turnpike, thence west with said line to McGovney and Crawford farms, thence with their line to the road leading from Newport to Jacksonville, thence with said road to the Phillips scales, thence the most practical way to the Calmese survey at or near the southwest corner, thence the most practical way to an old still-house site on the Peterson homestead, thence to the spring on said homestead, leaving said springs on the north, thence to the Shelby line south of a water-gate, thence fifty-three rods to a fence, thence to the east fork of Brush creek, leaving Shelby house on the north, thence the most practical way to the West fork bridge.

SECTION 2. Said commissioners may, in their discretion, order at once the construction of said free turnpike road; but before ordering the same constructed they shall require donations of not less than twenty per centum of the estimated cost thereof, and may issue bonds of the county to pay the cost of constructing same, bearing not more than six per cent. (6%) per annum interest, which bonds shall not be sold for less than their par value, and may levy a tax of not exceeding three mills on the dollar, annually, on the taxable property of said county, for the purpose of paying said bonds and the interest thereon.

SECTION 3. A majority of said county commissioners may, at any regular or special session, agree upon plans and specifications for said free turnpike road, and order said improvement or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

406L

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[House Bill No. 727.]

## AN ACT

To amend section one of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve public highways in said townships."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve public highways in said townships," be amended so as to read as follows:

Sec. 1. That the trustees of the several townships, to wit: German, Clinton, York, and Dover, in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four (4) mills, in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving, by macadamizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said townships, and for no other purpose.

SECTION 2. Said original section one is hereby repealed, and this act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
407L

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[House Bill No. 739.]

### AN ACT

To amend section 3 of an act entitled "An act to provide for the transfer of the custody and control of the Western Reserve and Maumee state road, to the counties through which said road is located," passed April 6, 1888 (O. L., v. 85, p. 165).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of the above entitled act be amended so as to read as follows:

Sec. 3. That upon and after December 1, 1888, the county commissioners of the several counties of Sandusky and Wood are hereby authorized and required to take charge of, manage, keep in repair and control, so much of said road and so much of the roads intersecting the same as are included within and bounded laterally by the road tracts hereinafter mentioned, as lies within their respective counties, and for the purpose of improving and keeping said road, and said portions of such intersecting roads, in repair, the road tracts, lying on each side of said road or pike, and abutting thereon, bounded by sectional lines and consecutively numbered, as shown by the plat of the Western Reserve and Maumee turnpike, recorded in the plat book in the recorder's office of the counties of Sandusky and Wood, are hereby constituted and made a special road district under the sole supervision and control of the county commissioners of the several counties of Sandusky and Wood, and the ordinary taxes levied for road purposes upon said road tracts and other property therein, as provided by law, shall be applied upon and used by said county commissioners in their respective counties, solely for the repair and improvement of said road, and said portions of such intersecting roads excepting the bridge over the Sandusky river, and other important bridges on said road, and said portions of such intersecting roads, which shall be maintained and kept in repair in manner provided by law. The county commissioners are to act as road supervisors of said road and said portions of such intersecting roads in their respective counties, with power to appoint therein some suitable person, who shall, under their direction, respectively, act as superintendent of said road, and said portions of such intersecting roads, at a reasonable compensation, which shall in no case exceed three dollars per day, with power to remove such person at will; and the laws relative to labor on the public highways in townships, and the payment of money in lieu thereof, shall govern in said special road district. All persons subject to perform labor on the public highways, who are residents of said special road district, or otherwise liable for road tax therein, shall perform said

labor as required by law, and also labor in commutation of taxes; the same to be worked out on said road, and said portions of such intersecting roads, in the township where such person resides, under the direction of the county commissioners of their respective counties. All taxes assessed for road purposes on the lands and other property in this special road district, which have not been worked out as herein provided, shall be at the disposal of the county commissioners of the respective counties of Sandusky and Wood, to be applied upon said road, and said portions of such intersecting roads, whenever to them seems necessary. The county commissioners or other suitable persons duly authorized by them as above provided, are to give receipts for such labor, at the rate per day allowed in townships, and in no case to exceed the amount for which said person stands charged, as other road supervisors, which receipts shall be receivable at the office of the treasurer of their respective counties, for taxes on the lands on which the tax was levied.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

408L

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[House Bill No. 824]

### AN ACT

To authorize the trustees of Perry township, in Putnam county, Ohio, to levy taxes to improve public highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Perry, in the county of Putnam, in the state of Ohio, be and are hereby authorized to levy and assess upon all the taxable property of Perry township, in the county of Putnam and state of Ohio, including the village of Dupont, situated in said township of Perry, county of Putnam and state of Ohio, a tax not exceeding six mills in any one year for not exceeding twenty (20) years, upon the dollar valuation of all the taxable property of said township, in addition to other taxes authorized by law, for the purpose of improving by grading, draining, macadamizing or graveling, or both, the public highways in said township, as may be deemed expedient or necessary by the board of trustees of said township, and for no other purpose.

SECTION 2. That the taxes so authorized to be levied shall be placed by the county auditor upon the taxable property of said township, and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof, for the purpose of improving by grading, draining, macadamizing or graveling, or both the public highways in the said township.

SECTION 3. The roads improved under the provisions of this act shall not be less than forty feet in width; they shall be graded so as to

drain freely to the sides, and the macadamizing or graveling, or both, when completed shall not be less than ten nor more than fourteen feet in width, nor less than ten inches thick at the center, and not less than eight inches thick at the sides. The roads shall be well provided with all necessary side-drains and other ditches, providing proper outlets for the drainage of the road-bed; and the work of graveling or macadamizing, or both, shall be so done that a dirt or earthen trackway of not less than twelve feet in width shall be formed at one side of the graveled or macadamized trackway, and well graded for purposes of travel. Where, by reason of the conformation of ground, a dirt or earthen trackway shall be impracticable, said dirt or earthen trackway may be omitted, or a less width may, for the cause aforesaid, be adopted.

SECTION 4. The board of trustees shall, upon each annual levy being made, immediately designate the roads within said township whereon the work of improvement shall be carried forward for and during the ensuing year, which shall be first the main or leading roads of said township, and upon and for which the material therefor can be most easily procured. The board of trustees, after having determined which roads are to be so improved, shall take to their assistance a competent surveyor or engineer, and proceed to ascertain if such proposed roads are sufficiently graded and drained, and if such be not the case, they shall cause said surveyor or engineer, to make an accurate survey and level of the roads so selected, and to fix the grades thereof, and the gradients and capacity of the side-drains for the same, and said surveyor or engineer shall immediately thereafter make and deliver to said trustees an accurate and carefully drawn profile of each road to be so improved; said profile shall show the length of the road, its grades, the number, position and class of the culverts deemed necessary therefor, the side-drainage necessary, together with such other data as may be deemed proper for the purposes of the improvement in view.

SECTION 5. As soon as the surveys and profiles aforesaid have been delivered to said trustees, they shall immediately meet and cause to be prepared definite plans and specifications for the entire work of construction of each of said roads designated for improvement as aforesaid, or such portion thereof as may be placed under construction during the current year. A majority of said board of trustees shall be necessary to adopt such specifications and order such road or any part thereof to be improved, and when such specifications have been adopted and said road improvement or part thereof duly ordered, said board of trustees shall appoint a township superintendent of pikes, who shall have the general supervision over the construction of the roads or parts thereof to be improved, under the direction and guidance of the board of township trustees. Said superintendent shall, before entering upon his duties, execute a bond, with sureties, to the acceptance of the township trustees, in the penal sum of one thousand dollars (\$1,000) payable to the trustees of said township, and conditioned upon the faithful discharge of his duties; said superintendent shall be appointed for no longer than one year at a time, but his continuance in the employ of said trustees shall depend on the faithful and intelligent performance of his duties; and the superintendent shall receive for his services not more than the sum of two dollars per day for the time actually employed in working and superintending the work on said improved roads.

SECTION 6. The trustees shall cause to be constructed all necessary culverts on such roads, and the expense thereof shall be paid out of the

township road fund. They shall, in making and adopting specifications of, or construction of said roads, fix the width and other dimensions of the graveled or macadamized track within the limits mentioned in section three (3) of this act.

SECTION 7. The money collected by taxation shall be expended under the direction of the township trustees, subject to the restrictions contained in this act, in such manner as shall seem to them most advantageous to the interest of said township, for the graveling or macadamizing, or both, or for the construction or repair, whether by grading, draining, graveling, macadamizing or otherwise, of such principal highways of said township as shall have been selected for improvement. For this purpose the said trustees may direct the superintendent of pikes to employ per diem the labor of such a number of men and teams as he can judiciously superintend, whether in performing the work of grading, or draining or graveling or macadamizing; but the work of hauling material shall be paid for by the cubic yard, delivered, and the work of grading and draining the road-bed shall be done either by day labor or by cubic earthwork, as the board of trustees may determine from time to time, according as, in their judgment, the work of construction may be most economically done. The rate per diem for labor of each and every class rendered under the direction of said superintendent, shall be fixed by the township trustees from time to time as they may find a change in the rate expedient.

SECTION 8. The trustees may accept such donations of material or of labor as may be offered by any person or persons for the benefit of any or all of the roads to be so improved, and they may also consolidate the road districts through which any such proposed road improvement passes, and direct the supervisors of such road districts to work the two days' labor in such districts in hauling the material, such as crushed stone or gravel, upon such road, and said work of hauling, when done in satisfaction of such two days' labor, shall be under the direction of the supervisor of such road district but be performed in such manner as to place of delivery as shall be directed by the superintendent of pikes, who shall keep an accurate account of material so delivered and by whom.

SECTION 9. The superintendent of pikes shall keep an accurate account of all labor of every class performed under his direction, showing by whom, and at what price said labor or services were rendered, and he shall give to any person to whom payment may be due for services rendered under his superintendence, a certificate to the township trustees, showing the amount of money so due, the time when said services were rendered, the rate per diem or otherwise, and the trustees shall examine the same and, if satisfied of its correctness, shall issue their order to the treasurer of said township in payment of the same out of the proper fund.

SECTION 10. The fees of the township trustees for services rendered under the provisions of this act, shall be one dollar and fifty cents per day for each day actually employed. They shall provide for the township clerk a suitable book, in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby made his duty to keep a full and complete record of the actions of the board of trustees under this act, and said township clerk, for making said record, shall be entitled to receive ten cents per hundred words, and for other services such reasonable compensation as may be allowed

by the board of trustees. For services rendered under the provisions of this act, the surveyor or engineer shall be entitled to receive such sum not exceeding four dollars per day, as he may with the trustees agree upon.

SECTION 11. The fees of the township officers, the engineer, and the superintendent of pikes, appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund; but before any payments shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk an itemized account of his services, whereupon the trustees, if they find the same correct, shall draw an order on the treasurer, countersigned by the clerk.

SECTION 12. The roads graveled or macadamized under the provisions of this act shall be free to the public travel, and shall be kept in repair by the trustees out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine of the Revised Statutes of Ohio.

SECTION 13. The township trustees may purchase out of the funds collected by taxation under the provisions of this act, such quantities of gravel or crushed stone as may be in their judgment required for the work of construction of improved roads for any particular year; but no such material shall be contracted or paid for unless the same is required for the current year.

SECTION 14. Provided, that after the trustees of said township have made any levy, and commence and continue to improve the public highways as herein provided, the property in said township shall be exempt from any levy by the commissioners of said county for the purpose of constructing, maintaining or improving roads.

SECTION 15. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS, .  
*President of the Senate.*

Passed May 9, 1894.  
409L

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[House Bill No. 868.]

## AN ACT

To authorize the trustees of Rush township, Scioto county, Ohio, to issue bonds and levy a tax for the building of a road in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Rush township, Scioto county, Ohio, be and they are hereby authorized to condemn, lay out and improve, and also to construct the necessary bridge thereon, a road commencing at the township road on the south side of Brush creek near a point at the railroad crossing on the Lodwick farm; thence taking a northern direction across said farm to the creek at a point opposite the Arnold and Burgoff line; thence across the creek following said line to the county road.

SECTION 2. To provide for the payment of making said road and bridge, the trustees of said Rush township be and they hereby are authorized to issue the bonds of said township, in sums of not less than one hundred dollars, not to exceed five hundred dollars (\$500), which bonds shall not be sold for less than their par value, and shall bear interest at a rate not to exceed six per centum per annum from date of issue payable semi-annually. The principal of such bonds shall be payable at such times and places as the trustees of said township may determine, and within a period not exceeding ten years.

SECTION 3. The trustees of said township are hereby authorized to levy a tax, annually, in addition to the taxes now authorized by law, on all taxable property of said township, sufficient to pay the principal and interest on said bonds as the same become due.

SECTION 4. This act shall take effect and be in force on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

410L

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[House Bill No. 877.]

## AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pike county hereby are authorized, when in their judgment the best interest of the public requires, and the resident land-owners along the route of road hereinafter named shall secure to the county all the rights of way, and all the earth, gravel and stone necessary to the construction of said road, free of costs and expense to the county, to construct a free turnpike, and for such purpose they are authorized to employ, at a reasonable compensation, a competent engineer or superintendent, to superintend the building of the same, and along the following route: Beginning at a point in the Latham and Sinking Springs free turnpike near the east end of the bridge across Kincaid's fork, thence up said Kincaid's fork and up the East fork thereof to a point near the Fairview church, thence the nearest and most practicable route so as to intersect the Jones chapel branch of the Buchanan and Cynthiana free turnpike.

SECTION 2. That for the purpose of building said road, and to obtain the money therefor, the commissioners shall have the right, when they have determined to build said road, to issue the bonds of said county, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such dates and times as the commissioners may deem best, to bear interest at a rate not greater than six per cent., and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and the interest thereon, as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar, annually, of the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act, all duties not herein expressly set forth, shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

411L

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[House Bill No. 939.]

### AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to make an assessment to pay for the construction of certain sidewalks on the Madisonville road.

WHEREAS, Pursuant to an act of the general assembly of the state of Ohio, passed April 15, 1892 (vol. 89, page 640, Ohio laws), the trustees of Columbia township, Hamilton county, Ohio, constructed certain sidewalks on the Madisonville road between Oakley avenue and Erie avenue; and

WHEREAS, That part of the sidewalk between Oakley avenue and Burch avenue is constructed of cement, and the part between Burch avenue and Erie avenue of planks; and

WHEREAS, No walk at all has been constructed between Erie avenue and the Linwood road; and

WHEREAS, Said trustees have assessed two-thirds of the cost and expense of constructing said cement walk, together with the interest on the bonds issued by the trustees for the same, upon each front foot of the lots and lands abutting on the east or south side of said Madisonville road between Oakley avenue and Burch avenue, and have levied and assessed the other one-third of the cost and expense of said cement walk upon each front foot of the lots and lands abutting on the west or north side of such road between Oakley avenue and Burch avenue, excepting intersecting streets upon both sides thereof, and have in the same way assessed the cost and expense of the plank walk on the lots and lands abutting thereon between Erie avenue and Burch avenue; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Columbia township, Hamilton county, Ohio, be and they are hereby authorized to levy and assess upon each front foot of the lots and lands abutting on the east or south side of the Madisonville road, between Oakley avenue and Burch avenue, two-thirds of the cost and expense of constructing the cement walk between said points, together with the interest on the bonds issued by the trustees for the same, and the other one-third shall be levied and assessed upon each front foot of the lots and lands abutting on the west or north side of said road between said points, the cost and expense of the plank walk laid on said Madisonville road, together with the interest on the bonds issued by the



SECTION 2. To provide for the payment of making said road and bridge, the trustees of said Rush township be and they hereby are authorized to issue the bonds of said township, in sums of not less than one hundred dollars, not to exceed five hundred dollars (\$500), which bonds shall not be sold for less than their par value, and shall bear interest at a rate not to exceed six per centum per annum from date of issue, payable semi-annually. The principal of such bonds shall be payable at such times and places as the trustees of said township may determine, and within a period not exceeding ten years.

SECTION 3. The trustees of said township are hereby authorized to levy a tax, annually, in addition to the taxes now authorized by law, on all taxable property of said township, sufficient to pay the principal and interest on said bonds as the same become due.

SECTION 4. This act shall take effect and be in force on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

410L

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[House Bill No. 877.]

## AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Pike county hereby are authorized, when in their judgment the best interest of the public requires, and the resident land-owners along the route of road hereinafter named shall secure to the county all the rights of way, and all the earth, gravel and stone necessary to the construction of said road, free of costs and expense, to the county, to construct a free turnpike, and for such purpose they are authorized to employ, at a reasonable compensation, a competent engineer or superintendent, to superintend the building of the same, and along the following route: Beginning at a point in the Latham and Sinking Springs free turnpike near the east end of the bridge across Kincaid's fork, thence up said Kincaid's fork and up the East fork thereof to a point near the Fairview church, thence the nearest and most practicable route so as to intersect the Jones chapel branch of the Buchanan and Cynthiana free turnpike.

SECTION 2. That for the purpose of building said road, and to obtain the money therefor, the commissioners shall have the right, when they have determined to build said road, to issue the bonds of said county, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such dates and times as the commissioners may deem best, to bear interest at a rate not greater than six per cent., and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and the interest thereon, as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar, annually, of the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act, all duties not herein expressly set forth, shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
411L

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[House Bill No. 939.]

### AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to make an assessment to pay for the construction of certain sidewalks on the Madisonville road.

WHEREAS, Pursuant to an act of the general assembly of the state of Ohio, passed April 15, 1892 (vol. 89, page 640, Ohio laws), the trustees of Columbia township, Hamilton county, Ohio, constructed certain sidewalks on the Madisonville road between Oakley avenue and Erie avenue; and

WHEREAS, That part of the sidewalk between Oakley avenue and Burch avenue is constructed of cement, and the part between Burch avenue and Erie avenue of planks; and

WHEREAS, No walk at all has been constructed between Erie avenue and the Linwood road; and

WHEREAS, Said trustees have assessed two-thirds of the cost and expense of constructing said cement walk, together with the interest on the bonds issued by the trustees for the same, upon each front foot of the lots and lands abutting on the east or south side of said Madisonville road between Oakley avenue and Burch avenue, and have levied and assessed the other one-third of the cost and expense of said cement walk upon each front foot of the lots and lands abutting on the west or north side of such road between Oakley avenue and Burch avenue, excepting intersecting streets upon both sides thereof, and have in the same way assessed the cost and expense of the plank walk on the lots and lands abutting thereon between Erie avenue and Burch avenue; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Columbia township, Hamilton county, Ohio, be and they are hereby authorized to levy and assess upon each front foot of the lots and lands abutting on the east or south side of the Madisonville road, between Oakley avenue and Burch avenue, two-thirds of the cost and expense of constructing the cement walk between said points, together with the interest on the bonds issued by the trustees for the same, and the other one-third shall be levied and assessed upon each front foot of the lots and lands abutting on the west or north side of said road between said points, the cost and expense of the plank walk laid on said Madisonville road, together with the interest on the bonds issued by the

trustees for the same shall be levied and assessed upon each front foot of the lots and lands abutting on each side of the Madisonville road between Burch avenue and Erie avenue, provided that any property-holder owning property either abutting on said cement or said plank walk, who has heretofore paid his assessment in full or in part, shall be exempt from further assessment to the extent that he has already paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
412L

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[House Bill No. 957.]

### AN ACT

To apply the road tax arising from lands assessed for improved roads under the two-mile system, to the repairs of such improved roads and to repeal an act passed April 25th, 1894.

[PAULDING COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any land through, along or over which any public road or highway, in any county which had by the federal census of 1890 or may have by any subsequent census a population of not less than twenty-five thousand nine hundred and thirty and not more than twenty-five thousand nine hundred and forty, has been or shall be made or improved under any two-mile assessment act of a general nature, shall be assessed or charged with any public road tax on the tax duplicate of any county in which said land is or may be situate, the owner of such land, or his proper agent, may, under the direction of the supervisor of roads of the district in which such land is situate, or under the order or direction of the county commissioners of such county, discharge such tax by labor in repairing or improving such road or highway, or in deepening, widening or enlarging the ditch or ditches along the same in such district, at or during the period provided by law for discharging road tax by labor on other public highways, and shall be allowed therefor in the payment of the taxes so charged, such compensation as is or may be provided by law in other cases of discharging road taxes on such other highways.

SECTION 2. That the act passed April 25, 1894, applying the road tax mentioned in the title of this act, in any county having a population by the federal census of 1890 of not less than 25,990 and not more than 26,000 is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 9, 1894.  
413L

[House Bill No. 960.]

## AN ACT

To amend sections one and two of an act entitled "An act to authorize the county commissioners of Pike county, Ohio, to build a certain road," passed April 13, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of an act entitled "An act to authorize the commissioners of Pike county, Ohio, to build a certain road," passed April 13, 1893, be amended so as to read as follows:

Sec. 1. That the commissioners of Pike county, Ohio, hereby are authorized when all other free turnpikes authorized to be built are paid for and the resident land-owners along the route of road hereinafter named shall secure to the county the right of way, and all the earth, gravel and stone necessary to the construction of said road free of cost and expense to the county to construct a free turnpike along the following route, to wit: Beginning in the center of the Waverly and Cooper-ville turnpike at a point where the county bridge crosses the Ohio canal and on the south side of Sunfish creek near the mouth of said creek and running thence across said bridge and with the county road as near as practicable, keeping on the south side of said Sunfish creek passing Pike post-office and continuing thence in a northerly direction following the old road as near as practicable with said Sunfish valley until it intersects the Chenowiths fork turnpike near Alexander's bridge.

SECTION 2. That sections one and two of an act entitled "An act to authorize the commissioners of Pike county, Ohio, to build a certain road," passed April 13, 1893, be and the same is hereby repealed, and this act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 9, 1894.

414L.

[House Bill No. 925].

## AN ACT

To authorize the county commissioners of Cuyahoga county to construct a bridge across Rocky river and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Cuyahoga county be and are hereby authorized to construct a new bridge across Rocky river either at the point and place known as Mastick hills or at the place known as the Stranahan hill on said river, as said commissioners may hereafter determine.

SECTION 2. For the purpose of providing the funds necessary for the building of said bridge, said commissioners are hereby authorized to issue the bonds of said county for an amount not to exceed one hundred and fifty thousand [dollars], which said bonds may be made payable at any time not less than ten and not to exceed twenty years from the date

thereof, and shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually. Said bonds may be issued from time to time in such amount or amounts as the progress of the work or the convenience of the commissioners may require, and shall have written or printed upon their face the date of the law under which they were issued and the words "south Rocky river bridge" and shall not be sold for less than par, and the proceeds shall not be applied to any other purpose than the payment of the cost and expense of said improvement, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. Said bonds when so issued shall be signed by said commissioners and countersigned by the auditor of said county.

SECTION 4. No part of the proceeds arising from the sale of the said bonds shall be applied to or for the payment of any right of way or on account of any damage that may result to any property along the line of said improvement.

SECTION 5. The commissioners of said county are hereby authorized to levy a tax upon all the taxable property of said county in addition to all other taxes authorized by law in such amounts as will be necessary to meet the payment of said bonds and interest as the same shall become due.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
415L

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[House Bill No. 936.]

### AN ACT

To authorize the council of the incorporated village of Cedarville, Greene county, to issue bonds and levy a tax for village improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Cedarville, Greene county, Ohio, be and it is hereby authorized to issue the bonds of said village in an aggregate sum not exceeding three thousand dollars, bearing interest at a rate not exceeding six per cent. per annum from their date. Said interest payable semi-annually, for the purpose of village improvement.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value, and shall be issued at such times, and in such amounts, and mature at such dates respectively as said council shall determine by ordinance; and said village council is hereby authorized to levy a tax upon all taxable property of said village to pay said bonds, and the interest thereon when the same shall become due.

SECTION 3. Before such bonds shall be issued, the question of issuing the same and the levying a tax for the payment thereof, shall be submitted to a vote of the qualified electors of said village at a regular or special election called for that purpose, as the council of said village may

direct; notice of such election shall be given by public notice posted up at five of the most public places in said village at least five days before the day of said election. The tickets voted at said election in favor of issuing said bonds, shall have written or printed thereon, "Authority to issue bonds for village improvement,—Yes" and all voters desiring to vote against issuing said bonds, shall have printed or written on their tickets, "Authority to issue bonds for village improvement,—No." If the proposition to issue bonds is approved by a majority of all voters voting at said election the council of said village shall have authority to issue the said bonds, and levy the said tax as provided for in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
416L

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[House Bill No. 944.]

### AN ACT

For the relief of Cary T. Pope treasurer of Hillsboro special school district, Highland county, Ohio.

WHEREAS, On the 9 day of June, 1893, Cary T. Pope, as treasurer of Hillsboro special school district, in Highland county, Ohio, had on deposit, to his credit as such treasurer, the sum of one thousand and twenty-eight dollars and sixty cents (\$1,028.60) in the Citizens' national bank of Hillsboro, Ohio; and the special school district having provided no place for safe-keeping of said funds; and

WHEREAS, On said 9 day of June, 1893, the Citizens' national bank of Hillsboro, Ohio, as [was] closed by order of the comptroller of the treasury of the United States, and placed in the hands of a receiver, and is still in his hands, and that Cary T. Pope has turned over to his successor in office his certificate as such treasurer, from the receiver of said bank for all the money; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Hillsboro special school district in Highland county, Ohio, are hereby authorized to release Cary T. Pope, and his official sureties, on their official bond as treasurer of said school district, from the payment of any part of said sum of one thousand and twenty-eight dollars and sixty cents (\$1,028.60) belonging to the school funds of said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
417L

[House Bill No. 955.]

## AN ACT

To authorize the commissioners of Muskingum county, Ohio, to issue bonds of the county for the purpose of paying for the construction of the superstructure of a draw-span at the west end of the county bridge across the Muskingum river at Taylorsville, Muskingum county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Muskingum county, Ohio, be and are authorized and empowered to issue bonds of the county in a sum not exceeding seven thousand dollars (\$7,000), for the purpose of paying for the construction of a draw-span at the west end of the county bridge at Taylorsville, Muskingum county, Ohio; said bonds shall bear a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, and shall not be sold for less than their par value; said bonds to be paid within twenty-five years after the date thereof, at the discretion of the commissioners, and the same shall be signed and issued according to law.

SECTION 2. For the purpose of paying the said bonds and the interest thereon, as the same become due, and payable, the said commissioners are hereby required to levy annually on all the taxable property within the county, a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 3. This act shall take effect on and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.  
418L,

[House Bill No. 832.]

## AN ACT

To relieve sureties on the official school and township bonds of Sewell G. Bennett, late treasurer of Starr township, Hocking county, Ohio.

WHEREAS, On and prior to the 30th day of June, A. D. 1892, Sewell G. Bennett was treasurer of Starr township, Hocking county, Ohio.

WHEREAS, As such treasurer he, with the knowledge and consent of the trustees and the board of education of said township, then had on deposit in the People's bank of Logan, Ohio, the sum of one thousand four hundred and ninety-two dollars and fifty-two cents, township funds, and the sum of nine hundred and sixty-eight dollars and sixteen cents, school funds of said township.

WHEREAS, Without fault or negligence on the part of the said Sewell G. Bennett, said bank became insolvent and did on the said 30th day of June, 1892, make a general assignment for the benefit of its creditors; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees and the board of education of Starr township, Hocking county, Ohio, be and hereby are authorized to fully

release and discharge the said Sewell G. Bennett and the sureties on his official bond as treasurer as aforesaid.

SECTION 2. Provided, that said township trustees and board of education of said township shall, at a special or any general election, after ten days' notice given by printed or written notices posted in five public places in said township, submit to the qualified electors of said township, at some special election to be held for that purpose, said proposition to release said Sewell G. Bennett and his bondsmen as aforesaid; and provided further, that a majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Those voting in favor of such proposition to release shall have written or printed upon the tickets voted by them, "Release of treasurer's securities—Yes" and those opposed, "Release of treasurer's securities—No."

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.  
419L

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[House Bill No. 833.]

### AN ACT

To release the sureties on the official school and township bonds of Nicholas J. Weiland, treasurer of Falls township, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Nicholas J. Weiland and the sureties on his official bond as treasurer as aforesaid, be and hereby are wholly relieved and released from the payment of the sum of one thousand one hundred and forty-two dollars and seventy-five cents (\$1,142.75), belonging to the funds of the said Falls township.

SECTION 2. Provided, that the said township trustees and board of education of said township shall, after ten days' notice given by printed or written notices posted in five public places in said township, submit to the qualified electors of said township, at some special election to be held for that purpose, or at any general election, said proposition to release said Nicholas J. Weiland and his bondsmen as aforesaid; and provided further, that the majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Those voting in favor of such proposition to release shall have written or printed upon the tickets voted by them, "Release of treasurer's sureties—Yes;" and those opposed, "Release of treasurer's sureties—No."

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.  
420L



[House Bill No. 834.]

# AN ACT

To release Chris Holl and the sureties on his official bond as treasurer of the village of Logan, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Chris Holl and the sureties on his official bond as treasurer as aforesaid, be and are hereby wholly relieved and released from the payment of the sum of one thousand three hundred and twenty-six dollars and ninety-two cents (\$1,326.96), belonging to the funds of said village of Logan.

SECTION 2. Provided, that the council of the said village of Logan shall after ten days' notice given by printed or written notices posted in five public places in said village, at some special election held for that purpose, or at any general election submit to the qualified electors of said village said proposition to release said Chris Holl and the sureties on his official bond as aforesaid; provided further, that a majority of the electors voting upon said proposition shall declare in favor of such release.

SECTION 3. Those in favor of such proposition to release shall have written or printed upon the ticket voted by them, "Release of treasurer's securities—Yes;" and those opposed, "Release of treasurer's securities—No."

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.

421L

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[House Bill No. 958.]

# AN ACT

To amend an act entitled an act "to establish an additional election precinct in Harrison township, Perry county, Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "An act to establish an additional election precinct in Harrison township, Perry county, Ohio," passed April 20th, 1894, be and the same is hereby amended to read as follows:

Sec. 1. That the part of Harrison township, Perry county, Ohio, known as Crooksville precinct, as established by an act entitled "An act to authorize the division of Harrison township, Perry county, into two voting precincts," passed March 17, 1893, be divided into election precincts as follows: By a line commencing at the northwest corner of section thirteen (13) of said township, and running due east to the east boundary line of said township to a point between sections sixteen (16) and nine (9), and that sections four (4), five (5), six (6), seven (7), eight (8) and nine (9) of said township shall be known as Roseville precinct, and the elections therein shall be held in the village of Rose-

v.ile, in said township; that the remaining part of said original Crooksville precinct, to wit: Sections sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), thirteen (13) and twenty-four (24) shall be known as Crooksville precinct, and the elections therein shall be held at the village of Crooksville, in said township.

SECTION 2. That said original act entitled an act "to establish an additional election precinct in Harrison township, Perry county, Ohio," be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.  
422L

[House Bill No. 983.]

### AN ACT

To authorize the trustees of Lick township, Jackson county, to transfer cemetery funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Lick township, Jackson county, Ohio, be and the same are hereby authorized to transfer four hundred (\$400) dollars of cemetery funds to the general revenue fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 10, 1894.  
423L

[House Bill No: 1001.]

### AN ACT

To change the names of Frank McMullen and Emma McMullen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the names of Frank McMullen and Emma McMullen, residents of Montgomery county, Ohio, be and the same are hereby changed respectively to Frank MacMillan and Emma MacMillan; provided, however, that this change shall in no way affect the rights, privileges or liabilities of the said persons.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
424L

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[House Bill No. 1008.]

### AN ACT

To change the name of Creighton Edward Sadler to Creighton Edward Marshall

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Creighton Edward Sadler, of Columbus, Ohio, is hereby changed to Creighton Edward Marshall.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 10, 1894.  
425L

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[House Bill No. 768.]

### AN ACT

To authorize certain villages to borrow a sum not exceeding fifty thousand (\$50,000) dollars for fire and general purposes, to pay existing indebtedness, and to issue bonds therefor.

[NORWOOD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which contained at the last federal census, or which shall hereafter contain at any other federal census, a population of not less than one thousand three hundred and seventy and not more than one thousand four hundred, in counties containing a city or cities of the first grade of the first class, be and said council is hereby authorized to borrow a sum of money not exceeding fifty thousand (\$50,000) dollars, at a rate of interest not to exceed six (6) per centum, payable semi-annually, for fire and general purposes, to pay existing indebtedness against the general revenue fund, and to meet deficiencies in street, sidewalk and sewer assessments; and the council of any such village is empowered to set aside and appropriate out of the funds obtained by the sale of bonds as authorized by this act, a sum not exceeding five thousand (\$5,000) dollars, to provide suitable means and apparatus for protection against fire.

SECTION 2. For the purpose of securing said loan, such village is hereby empowered to issue its bonds for the aggregate amount borrowed, in such denominations and payable at such time or times, within twenty years from the date of issue, as the council may determine.

SECTION 3. Said council shall annually thereafter cause the necessary taxes to be levied, not exceeding two (2) mills in any one year, in addition to those now authorized by law, to pay the principal and interest on said bonds, as the same shall become due, in the manner already provided by law for levying and collecting taxes for municipal purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
426L

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[House Bill No. 901.]

## AN ACT

To secure greater efficiency of the public schools in counties therein named.

[SUBDISTRICTS IN HURON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county having at the last federal census a population of not less than 31,940 nor more than 31,960, or which may have such population at any subsequent federal census, the township board of education shall have the power, when the average daily attendance at any school in any of the subdistricts under their charge for the last preceding term shall have fallen below seven, to close such school temporarily, and transfer the pupils living in the district in which the same is located, to the schools within the township to which, with opinion of the board of education, it may be most convenient or most advantageous for them to attend.

SECTION 2. Whenever any school is so temporarily closed, and the pupils transferred to another school, or to schools within the township, the per capita current expense of running the school or schools where such pupils attend, for the time so attending, shall, upon demand of the board of education, be paid from the funds of the subdistrict where such children have a legal residence, which per cost, in all cases, shall be the quotient produced by dividing the total current expense of running such school by the total number of children of school age in such district; and in addition to the powers now enjoyed, the board of education is authorized to expend any sum not exceeding forty per centum of the school funds of the district or districts where the schools are so closed, for securing facilities whereby the pupils may be delivered by conveyance to the school to which they are assigned and returned to their homes each day, and may contract with one or more persons for the performance of such duty; and the local directors of the districts in which such schools are so closed and consolidated shall have charge of such transportation, and may establish routes and give directions in relation thereto.

SECTION 3. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 14, 1894.

. 427L

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[House Bill No. 914.]

### AN ACT

To authorize the county commissioners of Cuyahoga county to issue the bonds of said county for certain purposes therein named, and to levy a tax for the redemption therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Cuyahoga county, Ohio, be and they are hereby authorized to construct a new bridge across Chagrin river at Bentlyville, near the confluence of the east and west branches of said river, on the road leading from Chagrin Falls to Miles avenue, Cleveland.

SECTION 2. For the purpose of providing the funds necessary for building such bridge, said commissioners are hereby authorized to issue the bonds of Cuyahoga county for an amount not exceeding sixty thousand dollars (\$60,000), which said bonds may be made payable at any time not to exceed ten (10) years from the date of issue thereof, and shall bear interest at the rate not to exceed five (5) per cent. per annum, payable semi-annually. Said bonds may be issued from time to time, and in such amount as the progress of the work, or the convenience of said commissioners may require, and shall have written or printed upon them the date of the law under which they are issued, and the words, "Chagrin river bridge," and shall not be sold or negotiated for less than par; and the proceeds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. The commissioners of Cuyahoga county are hereby authorized and required to levy a tax on all the taxable property in said county, in addition to all other taxes authorized by law, in such amounts as will be necessary to meet the payments of said bonds and interest, as they shall become due; which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 14, 1894.

428L

## AN ACT

Supplementary to an act entitled "An act supplementary to, and amendatory of an act entitled 'an act to amend section 1, of an act entitled 'an act supplementary and amendatory to an act to amend section 1 of an act entitled 'an act to authorize the county commissioners of Cuyahoga county to build a monument or memorial tablet commemorative of the deceased soldiers and sailors of said county, and to purchase a site therefor, passed April 2, 1880 (vol. 77, p. 368); as amended Feb. 4, 1881 (vol. 78, p. 316); as amended April 22, 1885 (vol. 82, p. 368); as amended April 16, 1890 (vol. 87, p. 391), and as amended April 2, 1891 (vol. 88, p. 786), and also to amend section 7 of said amendatory act of April 16, 1888 (vol. 85, p. 564), passed March 27, 1893, as amended March 6, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the completion and dedication of the Cuyahoga county soldiers' and sailors' monument, the board of monumental commissioners shall select and appoint a board of five commissioners, to be known and designated as "the Cuyahoga county soldiers' and sailors' monument commissioners." Said board shall be union ex-soldiers or sailors of the war of the rebellion, or a member or descendant of members of either of the army organizations known as, the grand army of the republic, union veterans' union, or a member of the first class in good standing of the military order of the loyal legion of the United States, and residents of Cuyahoga county, and shall meet and organize within ten days after their appointment, by the election from their members of a president and secretary, and shall serve without pay. Such board shall be perpetual, and the members thereof, shall have power, and be required within ten days after occurrence, to fill vacancies, by selecting and appointing a Union ex-soldier or sailor of the war of the rebellion, or a descendant of same, residing in Cuyahoga county. The members of such board, and their successors shall take an oath to faithfully perform their duties in caring for the monument, and the grounds surrounding it. Said board shall be empowered to make such rules and regulations for their government, and for the care of the monument and grounds surrounding the same, as in their judgment is required, and shall have the power to employ a suitable Union ex-soldier or sailor of the war of the rebellion, or of the regular army of the United States or descendant of either, as attendant and custodian of such monument and grounds, at a reasonable compensation, to be paid from the general fund of the county, upon a voucher of the president and secretary of the monument commissioners. Such attendant and custodian shall be invested with the ordinary powers and authority of a policeman.

SECTION 2. Said monumental commissioners, and the board herein provided for, shall have such control of the grounds of the southeast section of the public square, including the streets, lawns, and sidewalks surrounding the same, as will enable them to properly perform their duties as commissioners, and for no other purpose, and shall have the authority to direct the manner of curbing the streets on the south and east sides of the said southeast section of the square, also, the laying of the crosswalks therein. Such commissioners, or the attendant and custodian of the monument, shall have full authority to remove and restrict express wagons, moving vans, drays, public hacks, street railroad transfer stations, hucksters, wagons, advertising devices, or decorations and all other obstructions for making their stands within the curbing, or in the streets adjoining and contiguous to the curbing around said southeast section of the public square. Any violation of this restriction is hereby declared

unlawful, and offenders upon conviction of such violation may be punished as for disorderly conduct.

SECTION 3. Said board of monument commissioners are authorized to employ such assistants as may be required to take care of the monument and grounds, and from time to time, to make necessary repairs and improvements to the monument and grounds, also to provide for electric heating and lighting; payments to be made therefor as is provided for the payment to the attendant and custodian. The city of Cleveland, shall furnish a sufficient supply of water for use in and about the monument, and the grounds surrounding the same free of charge.

SECTION 4. Said board of monument commissioners shall have the authority to place the tools, hose, ladders, and implements required for use in the tool-house used by the park commissioners of the city of Cleveland located on the public square, or in the basement of the courthouse as said board may direct, without any cost for storage.

SECTION 5. Any person defacing or injuring the monument, or the flowers, plants, or sidewalks surrounding the same, shall upon conviction thereof before the police court of the city of Cleveland, be fined not more than one hundred dollars, nor less than five dollars, or imprisoned not more than sixty days, or both. And all fines collected shall be paid into the general fund of Cuyahoga county.

SECTION 6. All act[s] and parts of acts so far as the same conflict with the provisions of this act, be, and the same are hereby repealed.

SECTION 7. This act shall take effect, and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 14, 1894.

429L

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[House Bill No. 999.]

### AN ACT

To authorize the board of education of the village school district of Sylvania, Lucas county, Ohio, to increase the levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of Sylvania, Lucas county, Ohio, be and it hereby is authorized to increase the levy for two years for school purposes to a rate not to exceed in the total ten mills on the dollar of all the property taxable within said district; the said increase or any part thereof in the rate of levy for school purposes hereby authorized shall not be made except in and for the years 1894 and 1895.

SECTION 2. That this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 14, 1894.

430L

## AN ACT

To amend section 3 of an act authorizing the trustees of Madison township, Richland county, Ohio, to levy a tax for the purpose of erecting a soldiers' and sailors' memorial library building, passed March 12, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of an act authorizing the trustees of Madison township, Richland county, Ohio, passed March 12, 1887, be so amended as to read as follows:

Sec. 3. On the appointment of said trustees of the memorial building by the court, the trustees of Madison township shall deliver to said trustees of the memorial building the bonds so paid as aforesaid, and said trustees of the memorial building are hereby fully empowered to sell the said bonds under the provisions and limitations of this act; and said trustees of the memorial building shall elect one of their number president thereof, one of their number secretary thereof and one of their number treasurer thereof, and the treasurer shall give bond to the state of Ohio for the use of Madison township, in the sum of \$2,000, approved by the said board, conditioned for the faithful accounting and payment of moneys and property, which shall come into his hands; and they are hereby empowered to select a site for said memorial building, purchase the same, taking the title thereof to themselves, and their successors in the office forever; and are fully empowered to construct, or have constructed thereon, a building in perpetual memory of the men of Mansfield and Madison township who served their country in any war waged therefor; and all the property held by said trustees shall be free from taxation by the state, county, or municipality, and the said township trustees may provide out of the general fund of said township for the payment of a janitor to take charge of said building under the direction of said trustees of said memorial building.

SECTION 2. Said original section 3 is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 14, 1894.  
431L

## AN ACT

To authorize the city of Alliance, Stark county, Ohio, to build and construct its lateral sewers, by the employment of labor and purchase of material, without advertisement or contract.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Alliance, county of Stark, and state of Ohio, be and it hereby is authorized and empowered to build and construct any or all lateral sewers in said city heretofore provided for by ordinance, without advertising for bids and making contracts therefor, and without compliance with the statutes of this state relating



to such improvements, by the purchase of material and employment of labor for that purpose, in the discretion of said council, and by paying therefor such sums as it may deem proper out of the funds heretofore provided for that purpose.

SECTION 2. That said council, before making the improvement provided for in the first section of this act, shall pass proper resolution or resolutions, designating the officer or officers who shall have charge of said work, and such resolution or resolutions shall fully define the powers and duties of such officer or officers.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
432L

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[House Bill No. 800.]

### AN ACT

Fixing the compensation of directors of infirmaries in counties containing a city of the third grade of the first class.

[LUCAS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each director of the county infirmary in counties containing a city of the third grade of the first class, shall receive the sum of one thousand dollars per annum for their services in attending the regular and called meetings of the board, and for the transaction of any other business pertaining to the infirmary, which shall be paid monthly, out of the county treasury, on the warrant of the county auditor, in lieu of the per diem compensation now authorized by law to be allowed and paid such directors.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
433L

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[House Bill No. 932.]

### AN ACT

Supplemental to an act passed April 24, 1893, entitled "An act to authorize the commissioners of Franklin county, Ohio, to grade and improve a portion of the Columbus and Delaware road lying within Franklin county, commencing

at the county line and extending about one and one-sixteenth of a mile southward."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county, Ohio, be and are hereby authorized and empowered for the purposes of completing the work provided for in the special act passed April 24, 1893, entitled "An act to authorize the commissioners of Franklin county, Ohio, to grade and improve a portion of the Columbus and Delaware road lying within Franklin county, commencing at the county line and extending about one and one-sixteenth of a mile southward (vol. 90, local laws, page 172), there authorizing the commissioners of said county to improve part of the Columbus and Delaware road as therein described by grading, improving and building culverts thereon and graveling same;" to levy on the tax duplicate of said county in addition to the appropriation provided for in said special act one-twentieth ( $\frac{1}{20}$ ) of one mill for the years 1895 to 1896.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
434L

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[House Bill No. 954.]

### AN ACT

To authorize the village council of New Concord, Muskingum county, to levy a tax to pay maturing bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of New Concord, Muskingum county, state of Ohio, be and are hereby authorized to levy annually a tax not to exceed four mills on the dollar of the taxable property of the said village of New Concord in addition to that now authorized by law, for the purpose of paying town hall bonds and interest thereon as they fall due. And the said levy shall be returned by said council to the county auditor and placed upon the tax duplicate, to be collected as other taxes are collected for like purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
435L

## AN ACT

To authorize the board of education of the city of Mansfield, Rich'and county, Ohio, to borrow money and issue bonds, for the purpose of building and furnishing a new school building, and making additions to, and furnishing other buildings already erected.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Mansfield, Ohio, be and hereby is authorized to borrow any sum of money not exceeding twenty-five thousand dollars (\$25,000), and issue bonds for the purpose of completing certain school buildings, and building and completing one entire new building, and making certain additions to school buildings in said city.

SECTION 2. Said bonds shall be in such denominations, and payable at such times and place as said board of education may deem judicious, and shall bear interest at a rate not exceeding six (6) per cent. payable semi-annually, and shall not be sold for less than the par value, and accrued interest. Said board shall annually after the issuing of said bonds, cause the necessary levies to be made to pay the interest on said bonds, and the principal as the same shall become due. And said board are authorized if necessary to make an additional levy from that now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
436L

## AN ACT

To authorize any village in the state of Ohio, which had at the last federal census a population of not less than 680 nor more than 690, or which may have such population at any succeeding federal census, to issue bonds for the purpose of providing such village with a system of water-works and the purchase of apparatus for the extinguishment of fires.

[ATTICA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any village having a population of not less than 680 nor more than 690 at the last federal census, or which may have such population at any subsequent federal census, in the state of Ohio, be and is hereby authorized and empowered to issue bonds of said village in any sum not to exceed fifteen thousand (\$15,000) dollars, and bearing interest at a rate not exceeding six per cent. per annum, payable annually, and said bonds shall be of such denominations as the council shall by ordinance determine, but not less than one hundred (\$100) dollars each, and shall be made payable at such times and place as the council shall, by ordinance, prescribe, but not more than

twenty years from date, and such bonds shall not be sold for less than their par value in cash. The proceeds of such bonds shall be used for the purpose of buying or leasing the necessary land and water right, and buying the necessary material and constructing therewith a system of water-works for the said village, and purchasing necessary apparatus and appliances for the extinguishment of fires, and for no other purpose whatever; and such bonds shall be signed by the mayor of said village and attested by the clerk thereof and the seal of said village; and when sold the proceeds shall be paid to the treasurer of said village, who shall hold and disburse the same as other village funds are by him held and disbursed.

SECTION 2. If bonds of said village be issued, as hereinbefore provided, it shall be the duty of the council of said village annually thereafter until the said bonds and the interest thereon are fully paid, to assess and levy a tax on all the taxable property of the corporation, in addition to all other taxes authorized by law, sufficient to provide for the payment of said bonds as they fall due with interest accruing thereon.

SECTION 3. Provided, that before said bonds are issued, the village council shall submit the proposition of issuing the same to the electors of said village at a general or special election to be held for such purpose at such time and place in the corporation as the council shall determine by resolution. Notice shall be given of the time and place of holding such election and the amount of bonds to be issued at least ten days prior to the time of holding such election in a newspaper of general circulation in said village, and the form of the ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds shall have written or printed on their ballots "Water-works—Yes." Those opposed to the construction of water-works and the issuing of said bonds shall have written or printed upon their ballots "Water-works—No." Said ballots shall be provided by the council of said village and the expense thereof, and of said election, shall be paid by said village. Said election shall be held in accordance herewith and with the statutes governing elections in force prior to the 30th day of April, 1891, so far as applicable. The returns and poll-books shall be made by the clerk, who shall return and present the same to the council at the first regular meeting after such election, when the same shall be opened and canvassed and the result declared by the council, and said result shall be entered upon the minutes of the council; and if it appear that a majority of the ballots cast at such election were in favor of water-works the council shall proceed to issue such bonds, and not otherwise; and all acts and parts of acts and provisions of law inconsistent herewith shall have no application to the election to be held under this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.

437L

[House Bill No. 984.]

AN ACT

To authorize municipal corporations having a population of not less than 33,000 and not more than 34,000 inhabitants, to contract for lighting purposes.

[YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all municipal corporations which according to the federal census of 1890 had, or which according to any subsequent federal census shall have not less than 33,000 nor more than 34,000 inhabitants, in which any electric light plant or plants are now or may hereafter be constructed for lighting purposes, whether such plant or plants are owned by an incorporated company or companies, or by an individual or individuals, shall have power to contract with such company or companies, individual or individuals, for supplying the streets, lanes, alleys, avenues, squares, public buildings, other public places and public grounds within the corporate limits of such municipal corporation, or all, or any, or either of them, with light, for any term not exceeding ten years.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
438L

[House Bill No. 993.]

AN ACT

To authorize cities of the second grade, second class, to issue bonds for the purpose therein specified.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the second grade, second class, it shall be lawful for the board of city affairs of any such city, and such board is hereby authorized and empowered to issue bonds for the purpose of erecting bridges in any such city, in the sum of twelve thousand dollars, to be sold according to law; the money arising from the sale of such bonds to be paid into the city treasury of such city and placed to the credit of the bridge fund, to be expended for the purpose designated in this act and no other. Said bonds shall be of such denomination as the board of city affairs of any such city may deem best, in any sum not in excess of twelve thousand dollars, and for a length of time not exceeding twenty years, and at a rate of interest not exceeding five per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, and the proceeds thereof, together with such premiums as may be derived therefrom, shall be applied to no other purpose than herein mentioned; said bonds shall be signed by the president of

the board of city affairs and the city comptroller of said city, and be sealed with the seal of said city comptroller.

SECTION 2. The city council of any such city is hereby authorized to levy an annual tax, not in excess of two-tenths of one mill on the general duplicate of such city in addition to the other taxes heretofore or hereafter authorized to be levied, for the redemption of said bonds and the payment of the interest thereon, until said bonds and the interest thereon are paid and said bonds redeemed as the same may become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
439L

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[House Bill No. 1009.]

### AN ACT

To authorize the commissioners of Preble county to refund funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Preble county be and are hereby authorized to refund for the period of five years all the funds that may be appropriated for the purpose of keeping in repair the New Paris and Twin free turnpike and a part of the Gettysburg and Darke county free turnpike, situated in Jefferson township, Preble county, to the Hawley improved road, same township; also all the funds appropriated for same time and purpose for the Lewisburg and a part of the Gettysburg and Darke county free turnpike situate in Jefferson township to the Mills improved road of same township.

SECTION 2. This act to take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 15, 1894.  
440L

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[Senate Bill No. 130.]

### AN ACT

To amend section 1 of an act entitled "An act to prevent the sale of intoxicating liquors within two miles of Antioch college and Willberforce university, Greene county, Ohio, and for other purposes therein named."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of an act entitled "An act to prevent the

sale of intoxicating liquors within two miles of Antioch college and Wilberforce university, Greene county, Ohio, and for other purposes therein named," passed April 12, 1889, be amended so as to read as follows:

Sec. 1. That whosoever sells or offers to sell, or offers to give away any intoxicating liquors, or keeps a house of ill-fame at or within two (2) miles of Wilberforce university, Greene county, Ohio, shall be fined not more than one hundred dollars nor less than twenty-five dollars, or imprisoned not more than sixty days, or both, at the discretion of the court. And on the conviction of the owner or keeper thereof, the place wherein such intoxicating liquors are sold shall, by order of the court, be shut up and abated as a nuisance.

SECTION 2. Said original section 1 is hereby repealed and this act shall take effect from and after its passage.

ALEX. BOXWELL.

*Speaker of the House of Representatives.*

ANDREW L. HARRIS.

*President of the Senate.*

Passed May 16, 1894.

441L

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[Senate Bill No. 306.]

### AN ACT

To authorize the commissioners of Hamilton county, Ohio, to widen, extend and improve Andrew avenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, Ohio, are hereby authorized and directed to extend, widen and improve by grading Andrew avenue in section 27, Columbia township, Hamilton county, Ohio, along the following route, to wit: Thirty (30) feet in width on each side of the following described center line, beginning at a point in the north line of Erie avenue, three hundred and twenty-eight and sixty-four one hundredths (328.64) feet eastward from the east intersection of Shaw avenue and Erie avenue; thence northwardly on a line parallel with said Shaw avenue, two thousand nine hundred and fifty (2,950) feet, more or less, to the Madison road, and in establishing the grade of said avenue said commissioners are hereby instructed not to have the grade, or any part of it, in excess of four feet to the hundred feet.

SECTION 2. The cost and expense of said improvement, together with the interest on any bonds issued by the commissioners for the same, shall be assessed upon and collected from the owners of the lots and lands abutting and fronting on said avenue and adjacent thereto, to a depth of one hundred and fifty feet, and from the lots and lands within one hundred and fifty feet on each side of said avenue.

SECTION 3. Said commissioners shall immediately appoint three disinterested freeholders of the county, viewers, and a competent surveyor. The commissioners shall forthwith notify the viewers and surveyor of the time and place of their meeting to make the view, and shall also give notice by publication in a newspaper printed in the county, for three consecutive weeks prior to the meeting, which notice shall state the time and

place of the meeting and the kind of improvement to be made, the place of beginning of said improvement, the place of termination and the route thereof.

SECTION 4. The viewers shall, before entering upon their duties, take an oath before a proper officer to faithfully, honestly and impartially discharge their duties, and shall then proceed to assess and determine the damages sustained by any person through whose premises the improvement is to be made. All persons claiming damages in consequence of the appropriation of any private property in the making of the improvement, shall file a written application with the viewers prior to or at the time of the meeting, giving a description of the premises on which damages are claimed by them, and all applications for damages shall be barred unless presented as herein required; and any person feeling aggrieved by the assessment of the damages made, may demand of the commissioners to have the same assessed by a jury, in which case the claimant may appeal to the probate court of the county, and the same proceedings shall there be had as are provided in chapter 4, title 7, part 2, of the Revised Statutes of Ohio. The guardian of any minor, idiot or insane person may act for his ward, and all his acts shall be binding upon his said ward.

SECTION 5. The viewers shall estimate the expense of said improvement, and shall make report in writing within a reasonable time, to be fixed by the commissioners, of all actions taken by them, which report shall be filed and kept with the county commissioners for inspection by the public.

SECTION 6. For the purpose of raising the money necessary to meet the expense of the improvement, the commissioners are hereby authorized and directed to issue the bonds of the county, payable in instalments or at intervals not exceeding in all a period of ten years, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value. The assessment shall be divided in such manner as to meet the payment of the principal and interest of the bonds, to be placed upon the duplicate for taxation against the lots assessed, and collected in the same manner as other taxes, and when collected the money arising therefrom shall be applied for no other purpose except for the payment of the bonds and interest.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
442L

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[Senate Bill No. 339.]

### AN ACT

To authorize cities of the first grade of the first class to issue bonds to pay for property heretofore, or which may hereafter be condemned and appropriated for street purposes.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of*



*Ohio*, That in cities of the first grade of the first class the board of administration shall have the power to issue bonds, in the name of such city and under the corporate seal thereof, in a sum not to exceed thirty-five thousand dollars, to provide a special fund to pay the costs and expenses of property heretofore, or which may hereafter be condemned and appropriated to widen, straighten or change the location of any road, street, avenue or highway, or any part thereof, in any such city. Said bonds shall be made payable in not less than ten years nor more than twenty years from the date of their issue, bear interest at a rate not exceeding four per centum per annum, be signed by the president of such board of administration and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city and a tax which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city and to certify the same to the county auditor of the county in which such city is situate, upon a certificate from such board of administration as to the amount necessary to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses of property condemned and appropriated for the purpose of widening, straightening or changing the location of any road or roads, street or streets, avenue or avenues, or highway or highways, or any part thereof, which may be located in such city, the condemnation and appropriation of which shall have received the recommendation of the board of administration of such city; and said fund shall only be paid out upon a resolution or resolutions passed by the board of administration of such city specially appropriating the same, and upon vouchers properly approved by said board of administration.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
443L

[Senate Bill No. 342.]

## AN ACT

To authorize the county commissioners of Adams county, Ohio, to issue bonds for the redemption of outstanding free turnpike indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Adams county, Ohio, be and it is hereby authorized to issue bonds not to exceed in amount the sum of fifteen thousand (\$15,000) dollars, in denominations of five hundred (\$500) dollars, bearing interest at a rate not exceeding four and one-half (4½) per centum per annum, payable semi-annually, and redeemable at such times not exceeding ten (10) years from date as the board of county commissioners may prescribe.

SECTION 2. Said bonds shall not be sold for less than their par value, and may be sold at such times and in such amounts from time to time as will best carry out the purpose for which they are issued.

SECTION 3. The proceeds of said bonds shall be used for the purpose of redeeming bonds for county turnpikes of said county now outstanding.

SECTION 4. For the purpose of paying the interest on said bonds and the principal thereof, the board of county commissioners of said county is hereby authorized to levy, annually, a tax upon all the taxable property of the county, in addition to the amount already allowed to be levied by law, sufficient to pay the interest and principal as the same shall fall due.

SECTION 5. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

444L

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[Senate Bill No. 353.]

## AN ACT

To supplement an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893, be supplemented by the enactment of an additional section thereto, with sectional numbering as follows:

Sec. 4. That in said cities of the first grade of the first class the board of police commissioners shall have power to expend upon the purchase of boilers, and the completion of the additions, repairs and improvements provided for in the act to which this is supplementary, a sum

*Ohio*, That in cities of the first grade of the first class the board of administration shall have the power to issue bonds, in the name of such city and under the corporate seal thereof, in a sum not to exceed thirty-five thousand dollars, to provide a special fund to pay the costs and expenses of property heretofore, or which may hereafter be condemned and appropriated to widen, straighten or change the location of any road, street, avenue or highway, or any part thereof, in any such city. Said bonds shall be made payable in not less than ten years nor more than twenty years from the date of their issue, bear interest at a rate not exceeding four per centum per annum, be signed by the president of such board of administration and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city and a tax which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city and to certify the same to the county auditor of the county in which such city is situate, upon a certificate from such board of administration as to the amount necessary to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses of property condemned and appropriated for the purpose of widening, straightening or changing the location of any road or roads, street or streets, avenue or avenues, or highway or highways, or any part thereof, which may be located in such city, the condemnation and appropriation of which shall have received the recommendation of the board of administration of such city; and said fund shall only be paid out upon a resolution or resolutions passed by the board of administration of such city specially appropriating the same, and upon vouchers properly approved by said board of administration.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
443L

[Senate Bill No. 342.]

## AN ACT

To authorize the county commissioners of Adams county, Ohio, to issue bonds for the redemption of outstanding free turnpike indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Adams county, Ohio, be and it is hereby authorized to issue bonds not to exceed in amount the sum of fifteen thousand (\$15,000) dollars, in denominations of five hundred (\$500) dollars, bearing interest at a rate not exceeding four and one-half ( $4\frac{1}{2}$ ) per centum per annum, payable semi-annually, and redeemable at such times not exceeding ten (10) years from date as the board of county commissioners may prescribe.

SECTION 2. Said bonds shall not be sold for less than their par value, and may be sold at such times and in such amounts from time to time as will best carry out the purpose for which they are issued.

SECTION 3. The proceeds of said bonds shall be used for the purpose of redeeming bonds for county turnpikes of said county now outstanding.

SECTION 4. For the purpose of paying the interest on said bonds and the principal thereof, the board of county commissioners of said county is hereby authorized to levy, annually, a tax upon all the taxable property of the county, in addition to the amount already allowed to be levied by law, sufficient to pay the interest and principal as the same shall fall due.

SECTION 5. This act shall take effect from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.

444L,

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[Senate Bill No. 353.]

## AN ACT

To supplement an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to provide for the issue of bonds to repair, improve and build additions to the workhouse in cities of the first grade of the first class," passed March 22, 1893, be supplemented by the enactment of an additional section thereto, with sectional numbering as follows:

Sec. 4. That in said cities of the first grade of the first class the board of police commissioners shall have power to expend upon the purchase of boilers, and the completion of the additions, repairs and improvements provided for in the act to which this is supplementary, a sum

not to exceed six thousand (\$6,000) dollars. And it shall be the duty of the mayor and the auditor of such cities to issue and sell the bonds of such cities from time to time, and as often as said police commissioners shall certify the same to be necessary, in an amount necessary to purchase boilers, and complete the additions, repairs and improvements provided for in the original act to which this is supplementary, not to exceed in the aggregate the sum of six thousand (\$6,000) dollars. Said bonds shall be executed, made payable and bear interest as in said original act provided, and the proceeds thereof shall be placed in the city treasury, subject to the order of said board of police commissioners for the purpose aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
445L

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[Senate Bill No. 354.]

## AN ACT

To authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of reconstructing and reërecting market-houses in market-spaces in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class the board of administration shall be authorized to issue bonds not exceeding \$60,000 in amount, to raise money for the purpose of reconstructing and reërecting market-houses on the market-spaces of such city.

SECTION 2. It shall be lawful for said board of administration of such city to issue, from time to time, bonds in the name of said city and under the corporate seal thereof, in an amount not to exceed \$60,000; said bonds to be of such denomination and to be payable at such time and bear interest at such rate, not exceeding four per cent. per annum, as said board of administration may determine; said bonds shall be signed by the president of said board of administration and by the mayor of the city and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city and certify the same to the county auditor upon a certificate to that effect from the said board of administration as to the amount necessary to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. Such tax shall be in addition to the amount now authorized to be levied for municipal purposes.

SECTION 3. Said board of administration shall receive bids for said bonds after advertising the same for sale once a week for four consecutive weeks, upon the same day of the week, in some newspaper of gen

eral circulation in such city, and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called "the market-house fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city, and shall be used for no other purpose than that herein designated.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
446L

[Senate Bill No. 384.]

### AN ACT

To amend an act entitled "An act to enable the board of education of Darbyville special school district of Pickaway county, Ohio, to borrow money and build a school-house," passed April 25, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original sections one and two of an act entitled "An act to enable the board of education of Darbyville special school district of Pickaway county, Ohio, to borrow money and build a school-house," passed April 25, 1894, be amended to read as follows:

Sec. 1. The board of education of Darbyville village school district, Pickaway county, Ohio, be and the same is hereby authorized and empowered to levy a tax upon all the taxable property of the village district, in addition to other levies for the support of the schools of the district, for the purpose of building a school-house in said village of Darbyville, or paying for any school-house constructed under any act of which this act is amendatory.

Sec. 2. That in anticipation of the levy as herein provided, the board of education be and is hereby authorized and empowered to issue bonds in any amount not exceeding thirty-five hundred dollars, in such denominations and for such length of time as said board may deem expedient, at a rate not exceeding six per cent. per annum, payable semi-annually. Said bonds shall be signed by the president of said board of education and attested by the clerk, and shall be sold in pursuance of law.

SECTION 2. Original sections one and two of said act, of which this is amendatory, are hereby repealed, and this act to take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
447L

[Senate Bill No. 391.]

## AN ACT

To repeal an act passed April 13, 1894, entitled "An act to change the name of John R. Meriner to John R. Williams," and to change the name of John Meriner to John R. Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of John Meriner, of Mercer county, Ohio, be changed to that of John R. Williams.

SECTION 2. This act shall take effect on its passage, and said act passed April 13, 1894, be and the same is hereby repealed.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

448L

[Senate Bill No. 408.]

## AN ACT

To authorize the county commissioners of Champaign county to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Champaign county are hereby authorized to issue the bonds of said county in any amount not exceeding five thousand dollars, in such manner and for such time as the said commissioners may determine; the said bonds to draw interest not to exceed six per cent. per annum, payable annually; the proceeds of said bonds to be used in construction of an additional cottage at the children's home in said county, and to furnish a plant for heating the same. To meet the principal and interest on said bonds as the same become due, said county commissioners are authorized to levy a tax, in addition to any tax now authorized by law, on the general duplicate of said county.

SECTION 2. This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

449L

[Senate Bill No. 409.]

## AN ACT

To authorize the commissioners of Franklin county, Ohio, to surface with asphalt the roadway of High street and Mound street abutting on the grounds of the court-house in Columbus, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county, Ohio, be and they

are hereby authorized to surface with asphalt that part of High street lying between the south line of Court street and the north line of Mound street, and that part of Mound street lying between High street and the east line of Pearl alley.

SECTION 2. For the purpose of raising money to defray the expense of said improvement, and in anticipation of the receipts of taxes applicable thereto, the said commissioners are empowered and directed to issue the notes of said Franklin county to an amount necessary to pay for making said improvement, said notes to bear interest at a rate not exceeding six per cent. per annum, said notes to be paid from the first money applicable thereto.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
450L

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[Senate Bill No. 413.]

### AN ACT

Authorizing and empowering the incorporated village of Waverly, Pike county, Ohio, and the township of Pee Pee, Pike county, Ohio, to issue bonds and levy a tax for the purchase of additional burial grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Waverly, Ohio, and the trustees of the township of Pee Pee, Pike county, Ohio, be and they are hereby empowered and authorized to expend a sum of money not exceeding the sum of thirty-five hundred (\$3,500) dollars in the purchase of certain lands and ground adjoining the Waverly cemetery grounds, to be used for the enlargement of said cemetery grounds now under the joint control of said village and township.

SECTION 2. That for the purpose of raising the money with which to make said purchase, said council of said village and said trustees of said township are hereby empowered and authorized to issue bonds thereof in the sum of and for an amount not exceeding said sum of thirty-five hundred (\$3,500) dollars, to bear interest at the rate of six (6) per centum per annum payable semi-annually and to be in such denominations and payable at such dates and times as said council and trustees may deem best, and to be issued by each of said authorities in the proportion and manner provided by section 2536 of the Revised Statutes of the said state of Ohio.

SECTION 3. That for the purpose of procuring money with which to pay and liquidate said bonds and the interest thereon, as the same shall severally fall due, said council and trustees are empowered and authorized to levy a tax upon all the taxable property of said village and township as named and in the manner provided in said section 2536 of said Revised Statutes.



SECTION 4. Said bonds to be disposed of as provided by the general laws of Ohio, at not less than par value.

SECTION 5. This act to take effect and be in force from and after the date of its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
451L

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[House Bill No. 766.]

### AN ACT

To amend section 16 of an act entitled "An act to authorize the improvement of public roads in certain townships by the trustees thereof," passed April 28, 1891 (O. L., 1891, vol. 88, pages 410, 411, 412, 413 and 414).

[CRANE TOWNSHIP, WYANDOT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 16 of an act entitled "An act to authorize the improvement of public roads in certain townships by the trustees thereof," passed April 28, 1891 (O. L., 1891, vol. 88, page 413), be amended to read as follows:

Sec. 16. It shall be the duty of the superintendent of improved roads of any such township to prepare all plans, profiles and specifications, and to determine the grades of any road about to be improved by the trustees of such township when by them directed so to do; and all work done on such roads shall be under his supervision, and all materials shall be inspected by him, and both shall be subject to his approval. No payment shall be made for any work or materials except upon his estimates and certificates that the same is in compliance with the contract. He shall make and furnish to the parties interested, estimates for work done and materials furnished at such times as the contracts may provide, and may employ such assistants as he requires, who shall receive such reasonable compensation as the township trustees may allow. The said trustees shall have power to discharge at any time such superintendent and his assistants, or discontinue, without compensation, their services.

SECTION 2. Said original section 16 is hereby repealed and this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
452L

[House Bill No. 879.]

## AN ACT

Providing for the construction, improvement and repair of public highways.

[ATHENS COUNTY.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county which by the last federal census had, or which at any subsequent federal census may have a population of not less than thirty-five thousand one hundred and ninety (35,190) and not to exceed thirty-five thousand and two hundred (35,200), when they become satisfied that the public interest of their county demands and justifies special action for the improvement of the roads therein, are hereby authorized and empowered to construct free turnpike roads over the principal thoroughfares of such county, beginning at and leading from such eligible points as may by them be deemed proper, and running by such direct and eligible route as they may find best for the public convenience, and terminating at any point within or at the county line; but they are not authorized or required to construct any such road within the corporate limits of the town or city where the county seat is located, when according to the last federal census, more than one thousand (1,000) inhabitants are contained in such corporate limits.

**SECTION 2.** Said county commissioners are hereby authorized and empowered to call to their assistance a competent surveyor or civil engineer, or both, at their discretion, with the necessary proper assistance, and to lay out, survey and locate such turnpike road or roads through or upon any improved or unimproved lands on the best route between the points of beginning and termination, and to obtain the right of way by grant, or take propositions for the purpose from the owners of land over which the road will pass.

**SECTION 3.** Said commissioners shall not levy any general tax nor appropriate any money to be expended in the construction of such turnpike roads without first submitting to the qualified voters of the county the question as to the policy of constructing said roads by general tax, which submission shall be made at any annual spring or fall election, or at a special election called by said commissioners for that purpose, and the commissioners shall cause public notice of such vote to be given by publication in at least two newspapers of opposite politics, printed and of general circulation in the county, and also by causing handbills to be posted up at the usual place of holding elections in each township and election precinct throughout the county, at least fifteen days prior to such election, which said notice shall be signed by the county auditor. Those voting in favor of the construction of such roads shall have written or printed on their ballots, "For free turnpike roads—Yes;" and those voting against the construction of such roads shall have written or printed on their ballots, "For free turnpike roads—No."

**SECTION 4.** If, at such election a majority of the votes cast be against the policy of constructing such turnpike roads, the commissioners shall not assess any tax for that purpose, but they may again submit the same question at any regular annual election, either in the spring or fall, or at any special election called by them for that purpose, to the qualified electors of the county, notice of which shall be given in all respects in the manner prescribed in the preceding section; provided, that the said

question shall not be submitted to a vote of the said electors more than once within any one year.

SECTION 5. If at any such election a majority be found in favor of the construction of such turnpike roads, the commissioners may proceed to levy taxes, issue bonds and appropriate and expend money as herein-after provided, in the construction of such turnpike roads.

SECTION 6. For the purpose of paying for the construction of said roads as the work progresses, and when completed, the said commissioners are hereby authorized and empowered to sell said bonds of the county at not less than their par value. Said bonds shall bear interest, not exceeding five per centum per annum, the interest payable semi-annually. Said sale of bonds by the commissioners shall be made by advertising for sealed bids for the same, to be received and opened by the said commissioners at the date and place specified in such advertisement, by publishing for thirty days in at least two newspapers published in said county, and in such other manner as they may deem advisable; provided, that not more than one hundred thousand dollars (\$100,000) of said bonds shall be sold in any one year, and all money received in the sale of such bonds shall be paid into the treasury of said county, and shall be appropriated, paid and expended on the order of said commissioners from time to time for the purpose of constructing said free turnpike roads aforesaid, under the powers of said commissioners given by law, and for no other purpose; and it shall be the duty of said commissioners, annually, at their June session, after the issue and sale of the aforesaid bonds, to levy a tax on all the taxable property on the grand duplicate of the county, in addition to the other levies authorized by law, sufficient to provide for the payment of the interest and principal of such bonds sold as aforesaid, to become payable in the next calendar year, and such taxes shall be levied and collected in the same manner as other taxes are levied and collected; provided further, that the total principal sum for which said bonds shall be issued shall not exceed three hundred thousand dollars (\$300,000), and the total sum of the interest and principal to become payable in any one year, shall not exceed twenty thousand dollars (\$20,000).

SECTION 7. The auditor of the county shall be paid such sum annually, on the order of the commissioners, as they shall deem just and reasonable compensation for his service under this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 16, 1894.  
453L

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[House Bill No. 903.]

### AN ACT

To provide for cleaning out and keeping in repair ditches, etc., in any water-shed situated in a county containing a city of the third grade of the first class.

[LUCAS COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when three resident landowners, owning land within one

water-shed, shall petition the commissioners of a county containing a city of the first class, third grade, to take charge of, for the purpose of repairing or putting and keeping in good order any public ditch or water-course that has been lawfully constructed within the water-shed, said commissioners shall, between the first day of July and the first day of October of each year, have all the grass, weeds and brush mowed and removed from the surface of said ditch or ditches, and also remove all dirt bars or sediment that may have accumulated by the natural flow of the water. Said commissioners shall keep an itemized account of all the expenses incurred in removing said grass, weeds, brush or sediment, which shall be paid by a warrant upon the county treasury, issued upon the vouchers of said commissioners, and be assessed equally upon the lands within the water-shed of said ditch, and collected in the same manner as other taxes. Should there be found obstructions of any kind in the channel of any ditch in said water-shed, caused by the wilful or negligent act of any landowner, the lands upon which such violation occurs shall be separately taxed or assessed for the cost of its removal.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
 454L

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[House Bill No. 937.]

## AN ACT

To authorize the county commissioners of Hamilton county to levy a tax for improving, grading and macadamizing the Given and Clark road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect upon the general levy of all the taxable property of said county, a tax of one-fifteenth of one mill on each dollar's valuation thereof, one-half of which shall be assessed and collected on the tax duplicate of 1894 and the remainder on the tax duplicate of 1895 for the purpose of improving the Given and Clark road in Symmes township, Hamilton county, Ohio. Beginning at the center of the Kugler Mill road on section line between sections twenty-five and thirty-one, Symmes township, thence northwardly on said section line between said sections twenty-five and thirty-one and sections twenty-six and thirty-two, to the northwest corner section twenty-six, and the northeast corner section thirty-two, where it connects with the Clark road as shown by county surveyor's records in book 21, page 108, and described as follows: Commencing on the section line at the northwest corner of section twenty-six and northeast corner of section thirty-two thence north 84°, 17' west two hundred and thirty-six feet and seventy-seven hundredths, thence north 44°, 33' west eight hundred and eighteen feet and seventy-three hundredths feet, thence north 25°, 44' west nine hundred and eighteen feet and thirteen hundredths feet, thence north 44°, 44' west three hundred and fifty feet and eighty-three hundredths

to its intersection with Loveland and Allandale road, said road lying wholly in Symmes township.

SECTION 2. The money arising from said tax shall be applied under direction of the commissioners of said county to grading, bridging, culverting and macadamizing said road.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
455L

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[House Bill No. 940.]

### AN ACT

To authorize the commissioners of Hamilton county to improve Sycamore road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized to improve, by grading and macadamizing the following described road, known as Sycamore road, viz.: Beginning at the intersection of the Montgomery turnpike and said Sycamore road, thence southwardly along same on the section line between sections 7 and 13, township 4, entire range 1, and sections 12 and 18, township 4, fractional range 2, and through the east part and near the east line of section 17, township 4, fractional range 2, along said road as dedicated to and accepted by the trustees of Columbia township, and along the continuation thereof, formerly called Cornuelle avenue, to Main street in the village of Madisonville, formerly known as the Walnut Hills, Madison and Plainville turnpike, being in all a distance of about 14,000 feet.

SECTION 2. For the purpose of raising the money necessary to meet the expenses of the improvement, the commissioners of said county are hereby authorized to issue the bonds of the county, in an amount not to exceed \$20,000 in all, payable in instalments or at intervals not exceeding in all, the period of five years, bearing interest at a rate not to exceed five per cent. per annum, payable semi-annually, which bonds shall be sold for not less than their par value.

SECTION 3. For the purpose of paying the principal and interest of all the bonds issued hereunder, and the cost of such improvement, said commissioners shall in addition to any other taxes provided for by law, assess and collect upon the grand levy of the taxable property of said county on the tax duplicate, for each of the five several years after the issue of such bonds, a tax of such portion of a mill on the dollar, as will raise a fund sufficient to pay the total amounts due in each of said several years for the principal and interest of such bonds and the total cost and expense of said improvement. The funds derived from such levies and issues of bonds shall be credited to the "Sycamore road fund," and shall be exclusively applied to the improvement of said road and the payment of the principal and interest of all bonds issued as herein provided, and no part of said fund shall be transferred to any other fund.

SECTION 4. The said county commissioners are hereby given exclusive and complete jurisdiction of the improvement and levy provided for herein, and may begin the construction of said Sycamore road, with full authority to contract for same at any time from and after the passage of this act, in anticipation of said levy and said issue of bonds, and may if they deem it advisable, make separate contracts for separate parts or sections of said road between said points, at the same or at different times, as they may determine.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
 456L

[House Bill No. 945.]

### AN ACT

To authorize the board of education of Richland township school district, Vinton county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Richland township school district, Vinton county, Ohio, be and the same are hereby authorized and empowered to levy an additional tax for the years 1894, 1895, 1896, 1897, 1898 and 1899, on all the taxable property within said school district not to exceed two (2) mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
 457L

[House Bill No. 981.]

### AN ACT

To authorize certain villages situate in a county containing a city of the first grade of the first class to issue bonds for the purpose of completing and furnishing town halls or public buildings.

[WINTON PLACE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of any incorporated village situate in a

county containing a city of the first grade of the first class, be and the same is hereby authorized, by a two-thirds vote of the members thereof, to issue and sell, according to law, bonds in any sum not exceeding fifteen hundred dollars (\$1,500). The money realized therefrom shall be used for the completion and furnishing of any town hall or public building owned by said village, and for no other purpose whatsoever. Said bonds shall be of such denominations, shall bear such interest, not exceeding six per cent. per annum, and shall be made payable at such times and places as the village council may direct.

SECTION 2. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to the taxes authorized by law, as may be necessary to pay the interest and principal of said bonds when the same shall become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
458L

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[House Bill No. 1000.]

### AN ACT

To amend section one (1) of an act entitled "An act to authorize the commissioners of Montgomery county to build a bridge across Stillwater river in Harrison township of said county and to levy a tax for that purpose," passed April 19, 1883 (O. L. vol. 80, p. 369).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize the commissioners of Montgomery county to build a bridge across Stillwater river in Harrison township of said county, and to levy a tax for that purpose," passed April 19, 1883 (O. L. vol. 80, p. 369), be amended so as to read as follows:

Sec. 1. That the commissioners of Montgomery county be, and they are hereby authorized to construct a bridge across Stillwater river or the Great Miami river in said county at any point within two miles north of the point at which the north corporation line of the city of Dayton crosses the Great Miami river.

SECTION 2. That said original section one (1) be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
459L

[House Bill No. 1015.]

## AN ACT

To amend section 5 of an act entitled "An act to provide for additional places to pay taxes other than the county treasurer's office in counties containing a city of the first class, second grade," passed April 15, 1889.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5 of an act entitled "An act to provide for additional places to pay taxes other than the county treasurer's office in counties containing a city of the first class, second grade," passed April 15th, 1889, be amended so as to read as follows:

Sec. 5. The commissioners shall direct the county treasurer to make out such additional tax lists or duplicates as may be necessary for the full compliance with the provisions of this act, and allow him, when not otherwise provided, reasonable compensation therefor.

SECTION 2. Said original section 5 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 16, 1894.  
460L

[Senate Bill No. 344.]

## AN ACT

To authorize the board of city affairs in any city of the second grade, second class, to issue bonds for the purpose of extending, constructing, straightening, strengthening, improving and repairing levees, and acquiring the lands necessary for such purposes.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of city affairs of any city of the second grade, second class, be and it hereby is authorized and empowered, for the purpose of extending, constructing, straightening, strengthening, improving and repairing levees and embankments upon or along the banks of rivers or streams running through or by such city, so as to protect the property of citizens thereof from overflow by such rivers and streams, and for the purpose of acquiring the lands and material therefor, to issue the bonds of such city for any sum not exceeding fifteen thousand dollars.

SECTION 2. Such bonds shall run for such length of time, not exceeding twenty years, and shall bear such interest, not exceeding five per centum per annum, as said board of city affairs shall determine, and the interest thereon shall be payable semi-annually. Said bonds shall be designated levee bonds; they shall be signed by the president of the board of city affairs and the city comptroller of such city, and sealed with his seal of office, and shall be sold as is or may be provided by law for the



sale of bonds of municipal corporations, and the proceeds of all the sales thereof shall be applied exclusively to the purposes for which they are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds which may be issued under the authority of this act as they mature respectively, the city council of such city is hereby authorized and empowered to levy and collect for each year such rate and amount of taxes on each dollar of valuation of taxable property in such city on the tax duplicate not exceeding two-tenths of a mill, as the council may determine, additional in amount to the aggregate rate and the aggregate amount of taxes now or hereafter to be authorized by law to be levied or ordered by such municipal corporation.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
461L

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[Senate Bill No. 355.]

## AN ACT

To create the township of Salem, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Salem township, Wyandot county, be and the same is constituted and made a separate and independent road district for the purpose of macadamizing and improving the roads and highways in said township, and for no other purpose, independent of and free from the operation of existing laws relating to the improvement of roads and highways.

SECTION 2. The trustees of Salem township, Wyandot county, for the purpose of macadamizing and improving the roads and highways in said township so constituted and made a special and independent road district by the provision of section 1 of this act, be and they are hereby authorized to purchase stone and gravel for the purpose of macadamizing, graveling and improving the roads in said township; but the said trustees shall not pay for the services of man and team for hauling said stone or gravel more than eight (8) cents per cubic yard per mile, and proportionately for any fraction of a mile, except that less than one-eighth ( $\frac{1}{8}$ ) of a mile shall not be computed or considered; and the trustees, in determining the division of the road fund and the distribution of said fund to the several roads and highways in said township, shall be governed by the necessities of the roads, the convenience of getting the material, the quality of the material necessary to make substantial repairs, and shall, in expending the funds for improving the roads as provided in this section, give preference to those from whom the tax is collected for road

purposes, and it shall be the duty of the trustees to see that this provision is observed so far as practicable for the best interests of the roads and the taxpayers.

**SECTION 3.** That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof, for the purpose of improving by macadamizing or graveling, the public roads and highways.

**SECTION 4.** The trustees of said Salem township are hereby authorized to levy a tax on all the taxable property in said township, annually, in addition to the amount now authorized by law, not to exceed two (2) mills on the dollar in any one year, for a period of fifteen years from the passage of this act, for the payment of the expenses of the improvement, repair and macadamizing of the roads in said township; but before said levy authorized by this section is made by the trustees, the trustees of said township shall submit to the qualified electors of said township at some special or general election, and the clerk of said township shall give notice to the qualified electors, at least fifteen days prior to said election, by posting not less than three notices in each sub-school district in said township, setting forth therein the time and place of holding said election for the purpose for which the levy is to be made and the proceeds applied. The ballots voted at said election shall have written or printed thereon the words, "For road improvement levy—Yes." "For road improvement levy—No." If a majority of all the voters voting at said election vote for and approve the levy, and the same shall be so certified by the judges of said election, the trustees may proceed to make such levy, and otherwise not.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.

462L

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[Senate Bill No. 389.]

## AN ACT

To authorize certain villages to issue bonds to construct a reservoir or stand-pipe to lay water-pipes, and to repeal an act therein specified.

[GLENDALE.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of any village having at the last federal census a population of not less than 1,440 nor more than 1,450, or which at any future census may have such a population, and situated in a county containing a city of the first grade of the first class, be and is hereby authorized to borrow money not exceeding the amount of six thousand dollars (\$6,000) at such times and in such amounts as may be required for the purpose of defraying the cost of aiding the village issuing such bonds

to provide and distribute a supply of water by the construction of a reservoir or stand-pipe, and the laying of water-pipes. And the council of any such village is hereby empowered to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding six per cent. (6%) per annum, payable semi-annually. Said bonds shall be of such denominations and shall mature at such times as the council may determine; provided, that said bonds shall not be sold for less than their par value.

SECTION 2. That said council is hereby authorized to levy such an amount of tax, in addition to the tax now allowed by law, upon the taxable property of such village, as may be necessary to pay the interest and principal of such bonds when the same become due; said taxes to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 3. That this act shall take effect and be in force from and after its passage; and the act entitled "An act to authorize villages having a population at the last federal census of not less than 1,440 nor more than 1,450, to issue bonds to construct a reservoir or stand-pipe," passed April 19, 1894, is hereby repealed.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.  
463L

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[Senate Bill No. 403.]

### AN ACT

To authorize the trustees of Brooklyn township in the county of Cuyahoga to issue bonds for the relief of the poor and indigent of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Brooklyn township in the county of Cuyahoga, be and are hereby authorized to borrow money in an amount not exceeding fifteen hundred dollars (\$1,500), and issue bonds therefor for the purpose of paying indebtedness incurred by relieving the poor and indigent of said Brooklyn township.

SECTION 2. Said bonds shall be in such denominations not exceeding \$1,000, payable at such times, not exceeding five years from the date thereof, and at such place or places as may be determined by said board of trustees, and shall bear interest at a rate not exceeding six per cent. per annum payable semi-annually. Said board shall annually after the issuing of said bonds cause the necessary taxes to be levied to pay the interest on the same and the principal sum thereof as the same shall become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 16, 1894.  
464L

[Senate Bill No. 418.]

## AN ACT

To authorize the city of Cleveland to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Cleveland is hereby authorized to transfer an amount which shall not exceed the sum of five thousand (\$5,000) dollars from the interest fund to the police fund; said sum so transferred to be used only for the purchase of furniture and fixtures.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 16, 1894.  
 465L

[Senate Bill No. 2.]

## AN ACT

To provide for the nomination of candidates in certain counties, and to regulate the conduct of primary elections.

[BUTLER COUNTY.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio*, That in all counties containing a city of the third grade *b* of the second class, all elections, commonly known as primary elections, for the purpose of selecting candidates for county or municipal officers, or members of the board of education, or members of the legislature, to be voted for at general elections, shall be held and conducted according to the provisions of this act. This act shall apply to any political party which, at the last November election polled not less than one per centum of the entire vote cast in the county.

## DAYS FOR SUCH ELECTIONS.

**SECTION 2.** Such elections, when held to make nominations for candidates to be voted for at the April elections, shall be held on the first Saturday in March; and when held to make nominations of candidates to be voted for at the election in November, they shall be held on the first Saturday in August.

**SECTION 3.** All nominations of candidates in said counties, shall be made by a plurality of the lawful electors of the party, except as otherwise provided for in this act.

## WHERE ELECTIONS SHALL BE HELD—PENALTIES.

**SECTION 4.** Primary elections herein provided for shall be held at the usual polling places, and shall be conducted as required by law for general elections. The penalties providing against fraudulent voting, in

the sections of the Revised Statutes from seven thousand and thirty-nine to seven thousand and sixty-six, inclusive, shall be enforced for the same offenses at all primary elections held in this state.

### **JUDGES AND CLERKS OF ELECTION SHALL SERVE.**

SECTION 5. The judges and clerks of elections shall be the judges and clerks of such primary elections, and shall be charged with the same powers and duties, and shall be subject to the same penalties, and shall receive the same compensation, to be paid in the same manner as provided by law for general elections.

### **OPENING AND CLOSING OF POLLS.**

SECTION 6. The polls shall be opened at six o'clock A. M. and shall be closed at three o'clock P. M.

### **BALLOT-BOX FOR EACH PARTY.**

SECTION 7. There shall be a separate ballot-box at each polling place, provided for each party holding an election, and the ballot of each voter shall be placed in the ballot-box designated for the party to which he belongs.

### **MARKING BALLOT-BOXES.**

SECTION 8. Each ballot-box shall be plainly marked with the name of the political party whose ballots are to be placed therein, by letters printed thereon, or by a card attached thereto and shall be so placed that the designation may be easily seen and read by each voter.

### **OTHER PRIMARY ELECTIONS.**

SECTION 9. Primary elections to choose candidates to be voted for at a special election, and for elections not named herein, shall be held under this act, except as otherwise herein provided.

### **COMMITTEE'S DUTY TO MAKE APPLICATION.**

SECTION 10. In such cases, the executive, central or controlling committee of the political party requiring the primary election, shall, by a majority vote certified by the chairman and secretary, make an application to the board of elections or supervisors of elections, and the board shall grant it.

### **BOARD OF ELECTIONS TO MAKE ARRANGEMENT IF APPLICATION IS GRANTED—COMPENSATION.**

SECTION 11. Such board shall fix the day for such primary election not less than fifteen days after public notice, shall fix the polling places and assign the judges and clerks to duty, and make all needful preparation. For such elections the judges and clerks shall each receive two dollars as full compensation, to be paid by the county if the nominations are for county officers, and if for municipal officers by the municipality.

### **WHEN BUT ONE PARTY—SPECIAL JUDGES AND CLERKS.**

SECTION 12. In all cases where but one political party shall engage in a primary election, only judges and clerks of that party shall be assigned to duty, and the board of elections or deputy state supervisor[s] shall appoint special judges and clerks, whenever necessary, to serve at such primary elections.

## POLICE, ETC.—POWERS OF.

SECTION 13. At all primary elections the board of elections and the police authorities shall have the same powers, and perform the same duties, as in the conduct and protection of general elections.

## PRINTING AND DISTRIBUTING BALLOTS—NOMINATION PAPERS, HOW MADE.

SECTION 14. The directions for printing and distributing the ballots, and for preparing and casting them, as provided for at general elections, shall be observed, except that all nominations of candidates to be voted for at primary elections, shall be by nomination papers, as provided in section 7 of an act "To insure the secrecy of the ballot, and for other purposes," passed April 18, 1892 (O. L. vol. 89, p. 434), and no name shall be printed upon any ballot, unless so nominated by a paper signed by at least twenty legal voters, if the nominee be a candidate only in one election precinct; by not less than fifty legal voters if a candidate only in a single ward or township, and by not less than one hundred legal voters if a candidate throughout any county, or any city of the first or second class; and section 6 of an act entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 18, 1892, in so far as it is inconsistent and in conflict with the provisions hereof, is modified and limited in its operations, and is hereby declared void as to such inconsistency, but not otherwise.

## BALLOTS TO BE DESIGNATED.

SECTION 15. Ballots for each political party shall be printed separately, and the name or designation of the party "Republican," "Democrat," and so forth, shall be printed on the back of the ballot, immediately below the words "official ballot."

## CANVASSING THE VOTE.

SECTION 16. At the close of the polls the judges and clerks shall proceed without delay to canvass the vote, and make return of the same as required by law for general elections.

## BOARD OF ELECTIONS TO MEET AND CANVASS RETURNS.

SECTION 17. On Monday, next following each election, at ten o'clock A. M. the board of elections or deputy supervisors shall meet and organize as a canvassing board. They shall then canvass the vote and declare the result as provided by law for general elections.

## IN CASE OF A TIE VOTE.

If the result cannot be determined from the votes cast, for the reason that more than the number of persons to be nominated have an equal number of votes for the same office, then the officers whose duty it is to ascertain the persons nominated shall determine by lot which of such persons shall be declared nominated.

## LIST OF CANDIDATES FOR OFFICIAL BALLOT.

SECTION 18. When the election has been held to make nominations of candidates to be voted for at the ensuing general election, the board

of elections or deputy supervisors shall officially publish the names of the persons who have been nominated, and these names shall be placed upon the official ballot as the candidates of the party nominating them.

### CHALLENGERS.

SECTION 19. The judges of election shall, upon application, admit to the polling-room persons to act as challengers, sufficient in number to represent the several parties engaged in the election. Such challengers, shall have the privileges and opportunities required in section 2926~~n~~ of the Revised Statutes.

### ONLY LEGAL VOTERS.

SECTION 20. No person shall be permitted to vote at any primary election in any of said counties, held under this act, unless he is a legal elector as defined by the laws of this state.

### VOTERS DISQUALIFIED BY PROMISE, ETC.

SECTION 21. Nor shall any person be allowed to vote who has received or been promised any money, fee, appointment, or other reward, either directly or indirectly, either for his vote, or contingent upon the result of the primary election, or of the next succeeding general election.

### DUTY OF CHALLENGERS AND JUDGES.

SECTION 22. It shall be the duty of the challengers and of the judges, and the right of any elector, whenever they have reason to doubt the legality of any vote that may be offered, to interpose a challenge.

### AS TO LEGALITY OF VOTER.

SECTION 23. The causes of challenge shall be:

1. That the person is not a legal elector at this polling place. Under this challenge, the provisions of the statutes governing electors as to citizenship, residence, age and all other particulars and requirements shall be enforced.

### ALIENAGE AND NON-AGE.

Persons, who by reason of alienage or non-age have not registered as electors, may be allowed to vote upon satisfactory proof of possessing all other qualifications of an elector, and making affidavit as required herein.

### PROMISE, ETC.

2. That the person challenged has received or been promised some valuable reward or consideration for his vote.

### NOT A MEMBER OF POLITICAL PARTY—WHO IS?— PROCEEDINGS.

3. That he has not formerly and hitherto been a member of the political party with which he now claims to vote. If it shall appear that he is not a member of the party with which he now claims the right to vote, that is, if he has never acted and voted with such party, or having so acted and voted he has by act and vote renounced his former party allegiance, and has not renewed it, then his vote shall be rejected as to all parties in the pending election. Upon challenge being made, the

of the judges shall administer to the person challenged an oath that he will make true answer to all questions asked him touching his right to vote, and thereupon he shall be examined as to his qualifications as an elector.

### AFFIDAVIT.

Before any challenged person shall be allowed to vote, he shall also make, and subscribe to, an affidavit before one of the judges, blanks for which shall be furnished by the board of elections, giving his age, residence, nationality, citizenship, how long a resident of the voting precinct, county and state, and every other fact required to qualify him as a legal voter at this election, which affidavit shall be returned to the office of the board of elections or deputy supervisors with the poll-books and tally-sheets.

### REFUSAL TO ANSWER, OR OTHER DISQUALIFICATION— MAY EXAMINE WITNESSES AND REJECT VOTE.

If he refuses to be sworn, or being sworn refuses to answer any question, or if his answers show that he lacks any of the qualifications herein required to make him a legal voter at such primary election, his vote shall be rejected. The judges, or either of them, shall have the power to make further investigation, and he or they may call and examine witnesses as to the qualifications of the person challenged, and if not satisfied that he is a legal voter under this act, they shall reject his vote.

### REGISTRATION.

SECTION 24. If, however, in any locality where registration is required of electors, the name of such challenged person shall not appear upon the list of registered voters, he may nevertheless establish his right to vote by other evidence; but in all such cases he shall show that he possesses all the other legal qualifications of a voter, and must execute an affidavit setting forth every item of information required in registration, as set forth in section 2926, and supplemental sections of these statutes.

### SECRETARY OF BOARD TO ISSUE CERTIFICATES.

The secretary of the board of elections shall, upon application of any registered elector who has removed from the election precinct where he is registered, issue a certificate, setting forth the facts and the items of such registration, and this certificate shall be proof of the fact of registration, but shall not dispense with other proofs required herein. Such certificates shall, upon presentation to any board of election judges, be taken up, and canceled, and delivered at the office of the board of elections with poll-books and tally-sheets.

SECTION 25. That nothing in this act shall be construed to make inoperative or to interfere with, or in any way affect or modify, section 7 of an act entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 18, 1892 (O. L. vol. 89, p. 434).

SECTION 26. That on and after the first Monday in August, 1894, any vacancy which may occur from any cause whatsoever upon any ticket



in any of said counties, or municipalities, shall be filled by the executive, or central, or controlling committee of that county, or municipality, of the party upon whose ticket the vacancy occurs.

SECTION 27. That nothing in this act shall affect or invalidate the nomination of any candidates to be voted for in November, 1894, which was made prior to the taking effect of this act.

SECTION 28. That sections 2916, 2917, 2918, 2920 and 2921, and all acts and parts of acts, in so far as they may be inconsistent or in conflict with the provisions hereof, are hereby declared void as to such inconsistency, but not otherwise.

SECTION 29. This act shall take effect and be in force on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

466L

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[Senate Bill No. 390.]

### AN ACT

To authorize the board of education of Scioto township, Pickaway county, Ohio, to establish a high school and abolish a special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Scioto township, Pickaway county, Ohio, is hereby authorized to expend a sum not exceeding six thousand dollars to purchase the necessary lands and erect and complete thereon a school building, to be used for a high school and other school purposes.

SECTION 2. The said board of education is hereby authorized and required to levy a tax upon all the taxable property of said township, in addition to other levies now authorized by law, to enable the said board to carry out the provisions of this act.

SECTION 3. In anticipation of the levy as herein provided the board of education is hereby authorized and empowered to issue bonds in an amount not to exceed \$6,000, with interest not to exceed six per cent. per annum, payable semi-annually, in such denominations and for such length of time as said board may deem expedient. Said bonds shall be signed by the president and attested by the clerk, and shall be sold in pursuance of law.

SECTION 4. The said lands and buildings shall be purchased and erected in the village of Commercial Point in said township, and to enable said board of education to carry out the provisions of this act, the special or village school district, or any special or village school district created or now existing in said village of Commercial Point, is hereby abolished, and all right, title and interest in any real or personal property belonging to any such special or village school district, shall pass to and vest in said board of education; but said board of education is authorized to continue the schools in such special or village district until the completion of the building authorized by this act, and to enable it so to

do, said board is authorized to meet upon the call of its president at any time or times.

SECTION 5. This act to take effect on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

467L

[Senate Bill No. 414.]

### AN ACT

Authorizing the commissioners of Franklin county to transfer certain funds to the "armory and market-building commission."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners be and they are hereby authorized and directed to transfer to the credit of the "armory and market-building commission," created under the act of April 27, 1893, entitled "An act to provide for the erection of an armory and market-building in cities of the first grade of the second class, and to repeal an act therein named," the sum of \$6,207.74, now in the treasury of said county to the credit of "the Franklin county memorial armory construction fund," which sum was raised by taxation under authority of the act of March 21, 1887, entitled "An act to provide for the erection of a memorial armory building in the county of Franklin, and to create a fund to pay for and maintain the same." Provided, that said transfer of said funds shall not be made until the litigation now pending to test the constitutionality of said act of April 27, 1893, has been finally closed.

SECTION 2. The sum so transferred may be used by said "armory and market-building commission" for any of the purposes contemplated by the said act of April 27, 1893.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.

468L

[Senate Bill No. 423.]

### AN ACT

To authorize and require the county commissioners of Allen county, Ohio, to purchase additional lands and improve the same on which to hold county fairs, and to issue bonds of said county and levy taxes to pay for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Allen county, Ohio, be and hereby are authorized and required to immediately provide

for the purchase of, and to purchase and condemn for and on behalf of said county, additional lands adjoining the lands now owned by said county, and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and advancement of stock, agricultural and industrial interests and the arts in said county. Said lands shall be of such amount and dimensions so as to admit of a mile track being constructed, and shall be so improved by said board as in the judgment of said board will be reasonably necessary for such purpose. The title to any and all such lands shall be conveyed to and vested in the board of county commissioners of Allen county, Ohio.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to pay for and improve the said lands for the purpose aforesaid, are hereby authorized to issue and sell coupon bonds of said county in any amount not to exceed fifteen thousand dollars (\$15,000), payable at such place and such time or times, not exceeding in all the period of ten years from the date of issue, and bearing such rate of interest not exceeding six per cent. (6%) per annum, payable semi-annually, as the board of county commissioners may determine, and said bonds shall not be sold for less than their par value, and shall be signed by said county commissioners and attested by the auditor of said county, and shall have the seal of the county affixed thereto. The money arising from the sale of said bonds shall be paid into the treasury of said county, and shall be paid out and expended for the purpose herein expressed under the directions of said board of county commissioners on warrants of the auditor of said county.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy on all the taxable property of said county such tax, in addition to other taxes, as will be necessary to provide a fund for the prompt payment of said bonds and interest thereon as the same shall come due and payable.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
469L

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[Senate Bill No. 427.]

### AN ACT

To authorize the council of any incorporated village in the state of Ohio which contained at the last federal census, 1890, or which at any subsequent federal census may contain a population of not less than 3,500 and not more than 3,575 to issue bonds and levy a tax for the payment of the same and the interest thereon for the purpose of providing said village with a system of water-works

[ASHLAND].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in the state of Ohio, which at the federal census of 1890 contained, or which at any subse-

quent federal census may contain a population of not less than 3,560 nor more than 3,575, be and the same are hereby authorized to issue the bonds of such village in a sum not exceeding forty-five thousand dollars (\$45,000), bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, and redeemable at such times as the council by ordinance may prescribe and not more than thirty years from date, for the purpose of providing such village with a system of water-works to be owned by such village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of such village, in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and shall not be sold for less than their par value.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of such village only for the purpose of constructing, paying for, and maintaining water-works for such village and the inhabitants thereof.

SECTION 4. That for the purpose of paying said bonds and the interest thereon as the same become due, the council of any such village is hereby authorized to annually levy a tax on all the taxable property of such village in addition to the amount that is now authorized by law, sufficient to meet the payment of said bonds and interest as the same shall become due, which levy shall be placed on the duplicate by the auditor of the county, collected as other taxes and when collected paid over to the treasurer of said village.

SECTION 5. Provided, that before said bonds are issued, the village council shall submit the proposition of issuing the same to the electors of such village at a general or special election to be held for such purpose at such time and place in the corporation as the council shall determine by resolution. Notice shall be given of the time and place of holding such election in two newspapers of general circulation in such village, and the form of ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds shall have written or printed on their ballots "Water-works—Yes." Those opposed to the construction of water-works and the issuing of said bonds shall have written or printed upon their ballots "Water-works—No." Said ballots shall be provided by the council of such village and the expense thereof and of said election shall be paid by such village. The returns and poll-books shall be made by the clerk, who shall return and present the same to the council at the first regular meeting after such election and the result shall be entered upon the minutes of the council, and if it appear that a majority of the ballots cast at such election were in favor of water-works, then the council shall proceed to issue such bonds, and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
470L,

## AN ACT

To create a special school district in Somerset township, Belmont county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory is hereby created and declared to constitute a special school district in Somerset township, Belmont county, Ohio, to be known as the Somerton special school district to wit: Including all the lands embraced in section three (3) of township seven (7), range six (6); also, including the lands of T. C. Smith, Jemima Yocum, John Burcher and Thomas Smith, in section two (2), township (7), range six (6); also including the lands of Jesse Smith, Solomon Hogue, A. Hamilton and D. L. Warrick, in section nine (9), township seven (7), range six (6), and including the lands of Henry Warrick, John Warrick, I. P. Strahl, Samuel Starbuck and W. O. Morrill in section ten (10), township seven (7), range six (6), and the lands of Samuel Starbuck, S. T. Warrick, Simon Howell, Hiram Palmer, Hiram Whitacre, Robert Copeland and Jesse Coulter, in section four (4), township seven (7), range six (6).

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses in accordance with the enumeration of the year 1893 of children who are entitled to attend school, said funds being those now collected within the county and township treasuries, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894. .

471L

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[House Bill No. 793.]

## AN ACT

To amend section 2 of an act passed April 7, 1891, entitled "An act to authorize cities of the first grade of the first class to purchase or condemn property abutting on the corporation line for the purpose of a street."

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act passed April 7, 1891, entitled "An act to authorize cities of the first grade of the first class to purchase or condemn property abutting on the corporation line for the purpose of a street," be and the same is hereby amended so as to read as follows:

Sec. 2. When the amount of compensation to be paid for any such property appropriated under the preceding section shall have been ascertained either by agreement of the parties, by decision of the arbitrators or by the verdict of a jury in the proceedings instituted for the

purpose, the board of public improvements or board of administration of such city may issue bonds, in a sum not to exceed fifteen thousand dollars (\$15,000); said bonds to be for a term of ten (10) years, bearing five (5) per cent. interest, and at their expiration the money to be appropriated from the general fund of such city to redeem said bonds, and such bonds to be sold to the highest bidder for the purpose of paying the amount and expense together with the cost of such proceedings as may have been had thereunder.

SECTION 2. That section 2 of said act passed April 7, 1891, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
472L,

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[House Bill No. 859.]

### AN ACT

To provide for the relief of W. E. McChristie as treasurer of the special school district of the village of Camden, Preble county, Ohio.

WHEREAS, On and prior to the 9th day of June, 1893, W. E. McChristie was duly elected, qualified and acting treasurer of the special school district of the village of Camden, Preble county, Ohio, and as such treasurer had on deposit in the Camden bank in said village the funds of said special school district, amounting to the sum of \$822.65.

WHEREAS, On said 9th day of June, 1893, said Camden bank failed and made a general assignment for the benefit of its creditors.

WHEREAS, By reason of such failure and assignment of said Camden bank, and without any fault or negligence of the said W. E. McChristie, a part of said funds (about one-half) will be lost, and for which the said W. E. McChristie will be liable to said special school district; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said special school district of the village of Camden, Preble county, Ohio, by and through its board of education, be and it is hereby authorized and directed to forever release the said W. E. McChristie, and the sureties on his official bond as such treasurer of said special school district, from the payment to said special school district, of all amount of said funds that may be lost by reason of the failure of said Camden bank, and its inability to pay the amount of said special school district funds so on deposit as aforesaid; provided that a majority of the electors of said special school district, as shown by the last general election in said special school district, shall first file with the clerk of said board of education a petition asking for the release and discharge of the said W. E. McChristie, and the sureties on his official bond, as such treasurer, from the payment to said special school district of the amount of the funds of said special school district that may be lost by reason of the failure of said Camden bank.

SECTION 2. When said petition is filed with said clerk of said board of education if it appear therefrom that a majority of the electors of said special school district as shown by the last general election held in said special school district, have signed said petition, then the said board of education of said special school district be and it is hereby authorized and directed to pass a resolution releasing and forever discharging the said W. E. McChristie and the sureties on his official bond as such treasurer of said special school district, from all liability to said special school district on account of and by reason of the funds of said special school district lost by the failure of said Camden bank, and the said W. E. McChristie and the sureties on his official bond as such treasurer, shall thereafter be forever released and discharged from the payment of all amount of said funds of said special school district so deposited in said Camden bank, and lost by reason of its failure and assignment.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 18, 1894.  
473L

[House Bill No. 908.]

### AN ACT

To release Thomas J. Davis and his sureties on his official school bond as treasurer of the special village school district of New Straitsville, Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said Thomas J. Davis and the sureties on his official bond as treasurer of said village school district of New Straitsville, Perry county, Ohio, be and hereby are wholly relieved and released from the payment of the sum of four hundred and eighty dollars and sixty-nine cents (\$480.69) of the funds of said school district.

SECTION 2. Provided, that the board of education of said school district, after twenty days' notice given by publication in some newspaper of general circulation in said village, or by printed notices posted in not less than twenty-five of the most public places in said village, notifying the electors of said village of the purpose and objects of the election herein provided for, may submit to the qualified electors of said school district, at a general or special election held for that purpose, said proposition to release said Thomas J. Davis and sureties on said bond, and provided further, that two-thirds of the electors voting on said proposition shall declare in favor of such release.

SECTION 3. The release of said Thomas J. Davis and his bondsmen shall in no way release the bank of New Straitsville (in which the said funds were deposited, and said bank having become insolvent), from the payment of said sum of money or any part thereof.

SECTION 4. Those voting in favor of such proposition shall have written or printed upon their tickets, "Release of treasurer and sureties—Yes;" and those opposed, "Release of treasurer and sureties—No."

SECTION 5. This act shall take effect on and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
 474L

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[House Bill No. 930.]

## AN ACT

To authorize the board of education of the city of Defiance, Ohio, to issue and sell bonds for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the city of Defiance, Ohio, be and said board hereby is authorized to issue and sell the bonds of said city in a sum not exceeding sixteen thousand (\$16,000) dollars for the purposes hereinafter mentioned.

SECTION 2. Any bonds issued and sold under the provisions of this act shall be of such denominations, running for such length of time, not exceeding fifteen years, and at a rate of interest not exceeding six per cent. per annum, as the said board of education may deem proper.

SECTION 3. Before any of such bonds shall be sold, thirty days' notice thereof shall be given by publication in a newspaper of general circulation in such city; and in the sale of said bonds the said board of education may, if it deems it for the best interest of said school district, sell the same in two or more instalments and at different times.

SECTION 4. The moneys arising from the sale of any such bonds shall be used and employed by the said board of education in the building, finishing, and furnishing of a school building in the second ward in said city, and in purchasing any lands that may be necessary for such school building; providing, however, that if there shall remain any surplus from the sale of any such bonds over and above the amount necessary for the objects aforesaid, said board of education may use and employ such surplus for such purposes as may to the board seem proper.

SECTION 5. For the purpose of providing for the payment of any bonds issued under the provisions of this act, and for the interest thereon as the same may mature, said board of education shall cause to be levied upon all the taxable property within said city such rate in addition to the taxes now authorized by law as may be necessary. In the issue and sale of such bonds, the expenditure of all moneys arising therefrom, and in providing for the payment of such bonds and accruing interest thereon, the said board of education shall be governed by the provision of existing law excepting as otherwise provided in this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
 475L



## AN ACT

To authorize the board of education of Felicity village school district, Clermont county, Ohio, to issue bonds and make an additional levy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Felicity village school district of Clermont county, Ohio, be and it is hereby authorized to issue and sell the bonds of said district in an amount not to exceed six thousand dollars (\$6,000) for the purpose of erecting a school-house in said district.

SECTION 2. Said bonds shall be issued in denominations of not more than five hundred dollars (\$500) each and shall run not to exceed twelve years from date of issue. Said bonds shall be signed by the president and clerk of said board and shall bear interest at a rate not exceeding six per cent. per annum payable annually and shall not be sold for less than their face value.

SECTION 3. For the purpose of meeting the principal and the interest of said bonds said board of education shall levy annually such amount as may be necessary not to exceed four mills on the dollar for each year, in addition to that now authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
476L

## AN ACT

To supplement section 7 of an act entitled "An act to provide for a board of park commissioners in cities of the third grade of the first class, and to define its powers and duties;" and to repeal an act entitled "An act to provide for a board of park commissioners for the city of Toledo and defining its powers and duties, passed May 17, 1886," passed March 15, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section 7 of said act entitled "An act to provide for a board of park commissioners in cities of the third grade of the first class, and to define its powers and duties," and to repeal an act entitled "An act to provide for a board of park commissioners for the city of Toledo and defining its powers and duties, passed May 17, 1886," passed March 15, 1893, be supplemented as follows:

Sec. 7a. That authority is hereby granted to such city of the third grade, first class, to issue and sell an additional one hundred thousand dollars in amount of said bonds, or any part thereof—that is, the intention hereof is to so provide, and to grant to such city such authority, that the

authority and result will be the same as though said section 7 had named as the maximum amount of bonds to be issued one hundred thousand dollars more than was, and is, named therein.

SECTION 2. This act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 18, 1894.  
 477L

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[House Bill No. 1020.]

## AN ACT

To create a special school district in Batavia and Union townships, Clermont county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory, bounded and described as follows, to wit: Situate in Batavia and Union townships, Clermont county, Ohio; beginning at a point in the Batavia and Union township free turnpike corner to Emma L. Hulick's property; thence with her line and the line of Joseph Gest; thence following the line between Emma L. Hulick and M. J. W. Holter to the county road leading from said free turnpike to Olive Branch; thence with said county road to the line of Salena Trees; thence with her line and G. Schwab to the toll-pike leading from Batavia to Cincinnati, Ohio; thence with said toll-pike to a private road in the line of Harriet N. West and heirs of S. R. S. West; thence along said private road to line of P. J. Dair; thence with Dair and Harriet N. West to Shaler's run; thence with said run to line of Dair and Beagle to the line of John M. Hunt and Henry Beagle; thence with the line of John M. Hunt and Henry Beagle, and the line of John Temlinson and Catherine Dial and L. F. Lincoln, with John M. Hunt, to the line of L. Lane's estate; thence with Lane heirs and John M. Hunt to E. G. Gest; thence with line of E. G. Gest to Batavia and Union township free turnpike; thence with said pike to the line of John Dole and E. G. Gest to corner of John Burke and E. G. Gest; thence with the road between lands of James Ellis, deceased, and E. G. Gest and John Burke; through the lands of W. T. Rice, continuing with said road to a corner of lands of John Mehl and C. W. Nash; thence along the public road to Whitaker's school-house; thence with the Olive Branch and Amelia public road to the corner of J. Aichsholtz and Vandustrauss; thence with the public road along the lands of Vandustrauss, Thompson and L. Nash to corner of Joseph Dial in C. C. Pease's line; thence with the public road along the lands of Joseph Dial, D. A. Judd, Charles Hoerner and W. W. Perkins to Batavia and Union township free turnpike; thence with said pike along the lands of Perkins, Mary J. Hulick and Emma L. Hulick, to the place of beginning, is hereby created and declared to constitute a special school district; provided, that the school house and grounds of subdistrict No. 2, Batavia township, shall not be included in the special school district hereby established.

SECTION 2. On the first Monday of June following the passage of this act the electors of said special school district shall meet and elect a board of education consisting of three members, one to serve until the third Monday of April, 1895, and one to serve until the third Monday of April, 1896, and one to serve until the third Monday in April, 1897, and until the election and qualification of their successors; and on the second Monday of April of each year following the first election of said board of education there shall be elected one member of said board of education to serve for three years or until his successor is duly elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 18, 1894.

478L

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[House Bill No. 365.]

### AN ACT

To amend an act entitled "An act to authorize the commissioners of Franklin county, Ohio, to grade and improve the road leading from Gahanna to the township and village cemetery in Mifflin township in said county," passed March 22, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "An act to authorize the commissioners of Franklin county, Ohio, to grade and improve the road leading from Gahanna to the township and village cemetery in Mifflin township in said county," passed March 22, 1893, be and the same is hereby amended so as to read as follows:

Sec. 2. For the purpose of raising money to defray the expense of grading and widening the approach to the west end of said bridge and improving said road, said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county, according to law, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of four thousand dollars, and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature and the interest thereon, at such rate and for such length of time as may be necessary.

SECTION 2. That said original section 2 be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

479L

[House Bill No. 813.]

## AN ACT

To authorize the commissioners of Hamilton county to levy a tax to improve the Hanley road in Colerain township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to levy and collect upon the grand duplicate of all the property of said county, a tax of not exceeding one-tenth of a mill on the dollar. One-half of which, in the discretion of said county commissioners, may be assessed and collected on the duplicate of 1894, and the other half on the duplicate of 1895. The fund so raised to be applied by said county commissioners to grading, bridging, culverting and macadamizing the county road in Colerain township, known as the Hanley road, beginning at the Blue Rock turnpike near the Cheviot road, and running thence westwardly through sections 7, 13 and 19, to the Gaines road in said township.

SECTION 2. Should any balance of the fund assessed and collected under this act remain after said road is completed and paid for, then the county commissioners may transfer said balance to the general road fund or to the county fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
480L

[House Bill No. 894.]

## AN ACT

To divide the township of Prairie, in the county of Franklin, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Prairie, in the county of Franklin, be and the same is hereby divided into two election precincts, the dividing line in said township for said election purposes shall be designated as follows: Beginning at a point in the east line of Prairie township where avenue free turnpike crosses said township line, thence westerly with said avenue pike to and crossing the Rome free turnpike, continuing in a westerly direction on the north lines of the farms of Franklin Postle, deceased, Lewis Postle, deceased, and Edward Hopper, to the Galloway and national road free pike; thence south with said Galloway and national road free turnpike to the north line of William McCormick's land; thence westerly with said McCormick north line to the east line of the Jasper Young farm now owned by G. N. O'Harra; thence with said east line south to the south line of the C. O. Kaon farm now owned by Ferdinand Kaderly; thence westerly with south line of said farm of Ferdinand Kaderly to the Galloway free turnpike, thence westerly and southerly with

the Galloway free pike to the north line of the farm of L. O'Harra; thence westerly with the north lines of the farms of S. O'Harra, U. A. Wilson and A. H. Brown to the west line of said township.

SECTION 2. That all that part of said township lying north of said dividing line shall be and is hereby constituted an election precinct to be known and designated as precinct "A" of said township and with the place of holding elections at the village of Georgesville. And all that part of said township lying south of said dividing line shall be and is hereby constituted an election precinct "B" of said township and with the place of holding elections at the village of Galloway.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

481L

[House Bill No. 948.]

## AN ACT

To authorize the city of Mt. Vernon, Ohio, to issue bonds to pay existing floating indebtedness of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city of Mt. Vernon, Ohio, by its duly constituted officers, is hereby authorized to issue and sell deficiency bonds of said city in the sum of eight thousand dollars, payable at the rate of one thousand dollars per annum in one, two, three, four, five, six, seven and eight years from the date thereof, and to bear date of ———, A. D. 1894, to be issued in denominations of one thousand dollars each, and to bear interest at the rate of six per cent. per annum, payable semi-annually, said bonds to be sold for not less than their par value for cash.

SECTION 2. That said city by its duly constituted officers as aforesaid is hereby authorized and directed to apply the money realized from the sale of said bonds to the payment of existing floating indebtedness of said city.

SECTION 3. For the purpose of raising a fund to pay the interest on said bonds, and to lift the same as they mature, the city council of said city is hereby authorized to levy a tax upon all the taxable property in said city in a sum sufficient each year to pay the amount of interest accruing in any one year and one of said bonds; provided, nevertheless, that the amount so levied by said city council shall not make the aggregate amount levied for all taxable purposes in said city exceed the amount now allowed to be levied by the general laws of this state.

SECTION 4. This act shall be in force and take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.

482L

[House Bill No. 963.]

## AN ACT

To authorize the village council of the village of Bainbridge, Ross county, Ohio, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Bainbridge, Ross county, Ohio, be and the same hereby is authorized to issue the bonds of said village in any sum or sums, not exceeding ten thousand dollars (\$10,000), bearing interest at a rate not exceeding six per cent. per annum payable semi-annually, for the purpose of providing funds for the purpose of erecting a town hall in said village and lighting with electricity, or otherwise, the streets of the same.

SECTION 2. The principal of said bonds shall be payable at such place, and at such times not exceeding ten years from date of issue, as the council of said village may by ordinance determine.

SECTION 3. Said bonds shall be issued in such sums as the council may, by ordinance, determine; they shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date, and amount of each bond, and they shall not be sold for less than their par value.

SECTION 4. The question of issuing such bonds, shall first be submitted to a vote of the qualified electors of said village, at a general or a special election held in said village, and thirty days' notice of the submission shall be given in one or more newspapers printed therein once a week, for four consecutive weeks, stating the amount of bonds to be issued, and the time and place of holding the election; and if two-thirds of the voters voting at such election upon the question of issuing the bonds, vote in favor thereof, then and not otherwise, the bonds shall be issued, and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds," and those who vote against the same, shall have written or printed on their ballots the words "Against the issue of bonds."

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894. .  
483L

[House Bill No. 1027.]

## AN ACT

To authorize the mayor of any village of the second class which at the last federal census, or at any subsequent federal census shall have a population not greater than 1,150 and not less than 1,140, to appoint a street commissioner for any such village.

[SAINT PARIS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in villages of the second class, having by the last federal

census, or by any subsequent federal census shall have a population not greater than 1,150 nor less than 1,140, the mayor may, subject to the approval of the council thereof, appoint a street commissioner for any such village, said appointee to serve and act until his successor is elected at the next April election after the passage of this act.

SECTION 2. And this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 19, 1894.  
484L,

[House Bill No. 1028.]

### AN ACT

To authorize the council of the village of Leetonia to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Leetonia, Columbiana county, is hereby authorized to transfer one hundred and five dollars (\$105) from the fire fund and five hundred and ninety dollars (\$590) from the bridge fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
485L,

[House Bill No. 1029.]

### AN ACT

To authorize the commissioners of Coshocton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Coshocton county, Ohio, be and they are hereby authorized to transfer eight thousand (\$8,000) dollars from the bridge fund of said county to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
486L,

[House Bill No. 1036.]

## AN ACT

To change the name of Henry Martyn Wells, of Franklin county, Ohio, to Henry Emerson Cleland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Henry Martyn Wells, a resident of Franklin county, Ohio, be and the same is hereby changed to Henry Emerson Cleland.

SECTION 2. That said change shall in no way affect the rights, privileges and liability of said person.

SECTION 3. This act shall be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
487L

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[House Bill No. 1044.]

## AN ACT

To authorize the trustees of Falls township, Hocking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Falls township, Hocking county, Ohio, are hereby authorized to transfer one hundred and seven dollars and seventy cents (\$107.70) from the English sparrow fund to the township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
488L

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[House Bill No. 1045.]

## AN ACT

To authorize and empower the school board of Good Hope township, Hocking county, Ohio, to make an additional levy to construct and build an additional school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school board of Good Hope township, Hocking county,



Ohio, be and they are hereby authorized and empowered to make an additional levy of three mills (3) on the dollar on all the taxable property in said township for two years (2), for the purpose of building an additional school-house in said school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
489L

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[House Bill-No. 1047.]

### AN ACT

To authorize the cities of the third grade of the first class in the state of Ohio to regulate the construction of buildings within and to appoint a building inspector for such municipalities.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of any city of the third grade of the first class of the state of Ohio may by ordinance regulate the erection and construction of buildings within the limits of such city, and no [on] nominations of the mayor of such city, elect an inspector of buildings and if necessary one or more assistants, to see that the terms of such ordinance are complied with and to enforce the same, and fix the duties and compensation of such officer, and any assistants provided for in such ordinance.

SECTION 2. Any ordinance passed under authority of this act may regulate the erection and construction of all buildings built in such municipality after its passage and may require a permit therefor to be issued by the inspector of buildings, if one has been appointed, otherwise by the city clerk, before the same shall be commenced and shall provide for punishment of all violations thereof.

SECTION 3. Whenever any such ordinance shall have been duly passed it shall be unlawful for any person, firm, company or corporation to commence, erect or construct any building contrary to the terms thereof; and any building commenced, erected or constructed contrary thereto shall be deemed a nuisance, and its completion, maintenance or occupation may be enjoined until the terms of such ordinance, each and every, have been fully complied with, in addition to the punishment of the violators of such ordinance as herein provided.

SECTION 4. That this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
490L

[Senate Bill No. 431.]

## AN ACT

To authorize the commissioners of Hancock county, Ohio, to borrow money and issue bonds for the purpose of paying outstanding bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of Hancock county, Ohio, be and are hereby authorized to borrow thirty thousand (\$30,000) dollars for the purpose of paying thirty (30) outstanding bonds of one thousand (\$1,000) dollars each, issued October 26th, 1887, for the purpose of erecting and constructing Hancock county court-house and due October 26, 1894, for which there will not be sufficient funds to pay without making an exorbitant rate of taxation.

SECTION 2. For the purpose aforesaid, the said board of county commissioners are hereby authorized to issue thirty (30) bonds of the said county, in denominations of one thousand (\$1,000) dollars each, with interest coupons attached, payable at any time, not to exceed fifteen (15) years, as said board may determine, and bearing interest not to exceed six per cent. per annum, payable semi-annually. Said bonds shall be sold according to law, at public or private sale, and be made payable at such place as the board may direct, and shall not be sold for less than their par value. Said bonds shall be signed by the board of commissioners and countersigned by the auditor of said county. The commissioners are hereby authorized to cause the necessary taxes to be levied to pay the interest and principal in the same manner as was provided for in the original bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives,*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
491L

[Senate Bill No. 237.]

## AN ACT

Enlarging the jurisdiction of the probate court in certain counties.

[BUTLER COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties in which there is a city of the third grade of the second class, the probate court shall have jurisdiction concurrent with the court of common pleas in all actions, (1) for the partition of real property, and (2) for the sale of real or personal property under a mortgage, lien or other incumbrance with the same jurisdiction as the court of common pleas to determine all questions, whether legal or equitable, that may arise in reference to said property, and (3) for divorce and alimony and for alimony alone and custody of children.

SECTION 2. In any county mentioned in the preceding section, the court of common pleas may, by a special or general order entered on its journal, transfer to the probate court of such county for trial any and all actions now pending therein on appeal from the justices of the peace, and any and all actions that may be appealed therefrom to said court of common pleas; and said actions, after being transferred to said probate court, shall be tried in said probate court in the same manner as if said actions had remained in said court of common pleas; and the probate court of said county shall have jurisdiction to receive and try said actions in the same manner as if they had remained in said court of common pleas.

SECTION 3. When any action mentioned in the preceding sections shall have been commenced in or transferred to the probate court, the clerk of the court of common pleas of the county in which said probate court is located, shall be and is hereby required to perform the same duties and shall receive the same fees therefor as if the action had been commenced or had remained in said common pleas court; and all appeals taken from the decisions of said probate court, and all petitions in error to reverse the decisions of said probate court rendered in said actions, shall be filed in the circuit court in the county in which said probate court is located, and said circuit court shall have jurisdiction to hear and decide said appeals and petitions in error. And in all counties in section 1 of this act, in which the probate court has jurisdiction in misdemeanors and proceedings to prevent crime, the said clerk of the common pleas court shall be and is hereby required to perform the same duties and shall receive the same fees as if the proceedings thereon were held in said court of common pleas.

SECTION 4. The county commissioners shall pay the probate judges of the respective counties out of the county treasury for their services in said cases.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
492L

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[Senate Bill No. 376.]

## AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Nelsonville, Athens county, Ohio, is hereby authorized to transfer the sum of \$7,840.60 from the sinking fund of said village to the general fund of said village; also the sum of \$1,800, or any other amount levied and collected, or that may hereafter be collected, as the latter half of the taxes

of the year 1893 for water-works and sewer indebtedness, to the general fund of said village whenever the same shall be in the treasury to the credit of the fund for which the same was levied and collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
493L

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[Senate Bill No. 392.]

### AN ACT

To legalize certain bonds heretofore issued by county commissioners in counties containing cities of the first grade of the first class.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any bonds of any county containing a city of the first grade of the first class heretofore issued under the provisions of either a general or special act which have been signed by only two members of the board of county commissioners, shall be as valid and binding against said county as if signed by all of said commissioners, anything in the act under which said bonds were issued to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
494L

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[Senate Bill No. 412.]

### AN ACT

To regulate a trial by jury in all counties which now contain, or which may contain a city of the second grade of the first class.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties of the state now containing, or which shall hereafter contain, a city of the second grade of the first class, the court shall try all questions of law and fact, and a jury shall be deemed waived in all cases appealed from the justice court or the probate court to the common pleas court, or when the amount claimed in said last named court is three hundred dollars or less, unless a trial by a jury of either twelve men or by a jury of three men be demanded by a notice in writ-

ing to the clerk of the court by one of the parties at least five days before the first day of the term after the issues should be made up according to the statute of the state, and a deposit be made as hereinafter provided.

SECTION 2. Whenever a jury of twelve men shall be desired by either party in the class of cases above described, he shall, at the time of making such demand, deposit with the clerk of the court the sum of five dollars, which sum shall be appropriated by the county towards the payment of jury fees.

SECTION 3. If a trial by a jury of twelve men be not demanded as aforesaid, either party may have the case tried by a jury of three men who shall be selected, sworn, and subject to same rules as in other cases if a notice be served as aforesaid, which trial may be had without said deposit of money with the clerk.

SECTION 4. All other cases not described in section 1 herein, where a jury is waived and both parties agree, may be tried by the court, or by a jury of three men on giving the notice as aforesaid; but the court may order any case which it deems peculiarly fit to be tried by the jury to be so tried.

SECTION 5. The court may classify its business and provide for a room or rooms for the trial of causes to the court, or to a jury of three, as herein authorized; and when the court deems it desirable it may, on application of either party, furnish a list of nine names out of which to impanel a jury of three for the trial of any of said causes where same is authorized under this act, and each of the parties may strike out three names from said list, the remainder to constitute the jury; and in such case if a party, after notice, be not present or refuses to strike, the clerk may do so for him.

SECTION 6. In all cases now pending in the court of common pleas of said counties of the character described in section 1, to entitle a party to a trial by a jury, it must be demanded, and a deposit made as aforesaid within thirty days after the passage of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
495L

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[Senate Bill No. 420.]

## AN ACT

Providing for the construction of a levee along the bank of the Scioto river in Franklin county, and the protection of a county road known as "Greenlawn avenue."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Franklin county, Ohio, be and the same are hereby authorized and directed to repair and construct a levee

along the west bank of the Scioto from a point about 500 feet north of the bridge across said Scioto river, known as the Greenlawn avenue bridge; thence southwardly along the bank of said river about 3,000 feet and connecting existing levees upon the west bank of said river. In the performance of said duties the said commissioners shall employ the county surveyor to make full, complete and accurate working plans for, and estimates of, the cost of said levee, and superintend the construction thereof. And thereupon said commissioners shall advertise for proposals to do said work, at least twenty days prior to the letting thereof, and shall award the same to the lowest and best bidder therefor. And they shall require adequate security for the performance thereof.

SECTION 2. For the purpose of raising money to defray the cost and expense of constructing said levee said county commissioners, shall issue and sell, according to law, the bonds of said county, amounting in the aggregate to the sum of five thousand dollars. In the issuance, sale and redemption thereof said commissioners shall be governed by the provisions of sections 871, 872, 873, 874 and 875 of the Revised Statutes.

SECTION 3. Should it prove necessary, in order to construct said levee, to acquire any private property, the said commissioners shall have authority to purchase, or appropriate such lands as may be by them deemed necessary for such purpose, by a proceeding instituted in the probate court of said county, and such proceeding, and the appropriation of such property shall be governed by the provisions contained in chapter eight of title two of part third of the Revised Statutes of Ohio, but no such land shall be taken until the owner thereof has first been compensated therefor in money.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
496L,

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[Senate Bill No. 424.]

### AN ACT

To authorize boards of education in cities of the third grade *b* of the second class, to issue bonds to pay its indebtedness.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That boards of education in all cities of the third grade *b*, of the second class, be and they are hereby authorized to issue and sell the bonds of said board of education to an amount not exceeding thirty thousand (\$30,000) dollars for purpose of paying off existing indebtedness.

SECTION 2. Said bonds shall be in such denominations and run for such time not exceeding twenty years, and bear such rate of interest

as not to exceed six per cent. per annum as said board shall by resolution provide; and the proceeds of the sale of such bonds shall be placed in the proper funds, and used for the purposes intended.

SECTION 3. For the purpose of paying said bonds and accrued interest as the same shall become due, said boards of education are authorized to levy such tax, as may be necessary from year to year in addition to the amount already authorized by law, upon all the taxable real and personal property in said city of Hamilton.

SECTION 4. This act shall take effect from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 19, 1894.  
497L,

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[Senate Bill No. 433.]

## AN ACT

To authorize and empower the trustees of Clinton township, Fulton county, Ohio, to grade, gravel and improve a certain street in said township, and to issue the bonds of said township therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Clinton, Fulton county, Ohio, be and are hereby authorized and empowered to grade, gravel and improve the public road on the north side of the Wauseon cemetery, beginning at the west line of the cemetery and thence in an easterly direction on Elm street as far as Fulton street.

SECTION 2. That for the purpose of providing for the cost and expense of said improvement mentioned in the first section of this act, and to pay for the same, the trustees of said township are hereby authorized and empowered to issue the bonds of said township in the sum not exceeding fifteen hundred (\$1,500) dollars, in denominations of not less than five hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum from the date of issue; five hundred dollars of said bonds to be made payable in one year from date; five hundred dollars of said bonds to be made payable in two years from date, and five hundred dollars of said bonds to be made payable three years from date of the issue of the same.

SECTION 3. Said bonds shall be signed by the trustees and clerk of said township as provided by law, and shall not be sold for less than their par value, at private or public sale, and for the purpose of paying said bonds and the interest thereon at maturity, the said township trustees are hereby authorized and empowered to levy a tax upon all the taxable property of said township. The funds realized from the sale of said bonds shall be used by the trustees of said township for the purposes specified in section one of this act and for no other purposes whatever.

SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
 498L

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[ Senate Bill No. 434. ]

### AN ACT

To authorize the issue of bonds to provide payment of deficiencies in cities of the first grade of the first class.

[ CINCINNATI. ]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class the boards of administration shall, in addition to the powers already possessed by them, have authority, when in their judgment same may be necessary, and under the provisions hereof, to issue the bonds of such cities to an amount not to exceed in the aggregate the sum of one hundred thousand (\$100,000) dollars, to provide payment of deficiencies in the various funds of the municipal departments of such cities that may exist at the close of the fiscal year ending December 31st, 1894.

SECTION 2. Said bonds shall be made payable at such times, and shall bear interest at a rate not to exceed four per centum per annum, as said boards of administration may determine; said bonds shall be signed by the president of such boards of administration, and the mayors of such cities, and shall be secured by a pledge of the faith of such cities, and a tax which it shall be the duty of the councils or the boards of legislation of such cities to levy upon the taxable property of such cities, and certify the same to the county auditor upon a certificate to that effect from the trustees of the sinking fund of said cities as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amounts now authorized to be levied for municipal purposes.

SECTION 3. Said boards of administration shall receive bids for said bonds from time to time, as they may deem necessary to issue the same, and after advertising the same as required by law, shall sell the same for not less than their par value with accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in the city treasury to the credit of a fund to be known as the "special deficiency fund," and subject exclusively to appropriations to be made by the boards of administration to the credit of the various departments, as the boards of administration may determine to be necessary, and in which such deficiencies exist.



SECTION 4. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 19, 1894.  
499L

[House Bill No. 173.]

### AN ACT

To repeal an act entitled "An act to authorize the commissioners of Franklin county to construct a bridge over Gahanna river, known also as Big Walnut creek or Big Belly," passed March 10, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to authorize the commissioners of Franklin county to construct a bridge over Gahanna river, known also as Big Walnut creek, or Big Belly," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
500L

[House Bill No. 883.]

### AN ACT

To authorize cities of the second class, fourth grade, that had at the last federal census, or which may have at any future census a population of not less than seven thousand two hundred and ninety-five (7,295) and not more than seven thousand three hundred and ten (7,310) to issue bonds to open and extend certain streets, to purchase fire-hose and to pay certain indebtedness.

[XENIA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the second class, fourth grade, that had at the last federal census, or which may have at any future federal census a population of not less than seven thousand two hundred and ninety-five (7,295) and not more than seven thousand three hundred and ten (7,310), be and the same are hereby authorized to issue the bonds of said cities, in the manner now provided by law in the sum of six thousand dollars, for the purpose of raising money to open and extend its streets, and for the purpose of purchasing fire-hose for fire department and to pay the indebtedness of said cities contracted through the purchasing of stone for work-house, and street-roller, and make up a deficiency in the sinking fund.

**SECTION 2.** Said bonds shall be signed by the mayor and the clerk of such cities, and shall be issued in such denominations and shall bear interest at a rate not exceeding five and one-half per cent. per annum, payable annually, as will, in the judgment of the council best subserve the sale thereof, and at such times as may be necessary to accomplish the purpose of this act. Said bonds shall be sold to the highest and best bidder after not less than thirty days' publication in a newspaper of general circulation in such city, at not less than their par value. The principal shall be payable at such times as the council may by ordinance determine at any time after two years, and not exceeding twenty years from the date thereof. The proceeds arising from the sale of said bonds shall be applied, as follows: Two thousand dollars for the purpose of opening and extending certain streets of the city to be determined by council; eight hundred and forty dollars for the purpose of purchasing hose for the fire department, and one thousand dollars to pay for stone already purchased for workhouse; eleven hundred and sixty dollars to pay for street-roller already purchased and the balance to pay the deficiency in the sinking fund.

**SECTION 3.** The council of any such cities is hereby authorized to annually levy and assess, in addition to the amounts now authorized by law to be levied and assessed a sufficient sum to provide a fund for the payment after said bonds and the interest thereon as the same becomes due and payable.

**SECTION 4.** The sum realized from the sale of bonds shall be paid into the city treasury and shall be for no other purpose than above mentioned and provided for.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
501L

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[House Bill No. 978.]

### AN ACT

To confer further jurisdiction upon probate courts in certain counties therein named.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the probate court in the counties of Allen, Richland, Perry, Defiance and Wood shall have concurrent jurisdiction with the court of common pleas in all proceedings in divorce, alimony, foreclosure and partition; and the probate court in each of said counties shall hold four terms annually for the hearing and trial of such causes, to wit: One term commencing the first Monday in January, one term commencing the first Monday in April, one term commencing the first Monday in July and one term commencing the first Monday in October.

**SECTION 2.** The judge of said court shall be allowed as compensation for the hearing of any such proceeding the sum of two dollars and

for his clerical services therein such fees as are provided by law for the clerk of the court of common pleas in similar cases, to be taxed as costs in each case.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
502L

[House Bill No. 1031.]

### AN ACT

To authorize the trustees of the township of Brecksville, Cuyahoga county, to make additional levy for the support of public library.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Brecksville township, Cuyahoga county, be and they are hereby authorized to levy for the next five years one-tenth of one mill on the taxable property of the township; the proceeds to be used for the support and maintenance of a public library.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate*

Passed May 19, 1894.  
503L

[House Bill No. 1034.]

### AN ACT

For the relief of Phillip J. Swartzel, treasurer of Adams township, Defiance county and the sureties on his official bond.

WHEREAS, On the 5th day of June, A. D. 1893, Phillip J. Swartzel was treasurer of the township of Adams, in the county of Defiance, Ohio, and as such treasurer had on deposit with the Defiance savings bank company, a banking institution, the sum of \$1,422.

WHEREAS, On the said 5th day of June, 1893, the said, the Defiance savings bank company made an assignment for the benefit of its creditors.

WHEREAS, The assignee of the said banking institution will be unable to realize upon the assets coming into his hands, a sufficient amount to pay the creditors of his said assignor in full; and

WHEREAS, A large number of the taxpayers and other electors of said township have by their petition expressed a desire to have the said Phillip J. Swartzel and the sureties on his official bond released from any

loss or liability growing out of the failure of the said banking institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be submitted to the electors of the said Adams township, Defiance county, Ohio, at the next general election to be holden therein, the proposition to relieve the said Phillip J. Swartzel and the sureties on his official bond as such treasurer from the payment to the said township or the officers thereof, of whatever part of the said sum of \$1,422 shall remain unpaid to the said Phillip J. Swartzel from the assignee of the said the Defiance savings bank company upon the settlement of his affairs.

SECTION 2. The ballots to be voted at such election upon said proposition shall have written or printed thereon "For relief—Yes," or "For relief—No."

SECTION 3. If a majority of all the votes cast upon said proposition at such election shall be in favor of the relief of the said treasurer and his said bondsmen, then the said Phillip J. Swartzel as treasurer aforesaid and the sureties on his said official bond shall be forever wholly relieved and released from the payment to said township or the officers thereof of any greater sum of the moneys so deposited with the said the Defiance savings bank company, than shall be paid to him by the assignee thereof.

SECTION 4. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said township to be given by publication in two newspapers of opposite politics, in said township for at least thirty days next prior to the date upon which such election is to be held, the costs and expenses of which notice shall be paid by the said Phillip J. Swartzel.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
504L,

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[House Bill No. 1035.]

### AN ACT

For the relief of Harman C. Leaders, treasurer of Noble township, Defiance county, and the sureties on his official bond.

WHEREAS, On the 5th day of June, A. D. 1893, Harman C. Leaders was treasurer of the township of Noble, in the county of Defiance, Ohio, and as such treasurer had on deposit with the Defiance savings bank company, a banking institution, the sum of \$329.

WHEREAS, On the said 5th day of June, 1893, the said the Defiance savings bank company made an assignment for the benefit of its creditors.

WHEREAS, The assignee of the said banking institution will be unable to realize upon the assets coming into his hands, a sufficient amount to pay the creditors of his said assignor in full; and

— WHEREAS, A large number of the taxpayers and other electors of said township have by their petition expressed a desire to have the said Harman C. Leaders and the sureties on his official bond released from any loss or liability growing out of the failure of the said banking institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be submitted to the electors of the said Noble township, Defiance county, at the next general election to be held therein, the proposition to relieve the said Harman C. Leaders and the sureties on his official bond as such treasurer from the payment to the said township or the officers thereof, of whatever part of the said sum of \$32, shall remain unpaid to the said Harman C. Leaders from the assignee of the said Defiance savings bank company upon the settlement of its affairs.

SECTION 2. The ballots to be voted at such election upon said proposition shall have written or printed thereon "For relief—Yes," or "For relief—No."

SECTION 3. If a majority of all the votes cast upon said proposition at such election shall be in favor of the relief of the said treasurer and his said bondsmen, then the said Harman C. Leaders as treasurer aforesaid, and the sureties on his said official bond, shall be forever wholly relieved and released from the payment to said township or the officers thereof of any greater sum of the moneys so deposited with the said the Defiance savings bank company, than shall be paid to him by the assignee thereof.

SECTION 4. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said township to be given, by publication, in two newspapers of opposite politics, in said township for at least thirty days next prior to the date upon which such election is to be held, the costs and expenses of which notice shall be paid by the said Harman C. Leaders.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

505L

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[House Bill No. 1038.]

### AN ACT

To create a special school district in Guyan and Ohio townships, of Gallia county Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in the townships of Guyan and Ohio, and the county of Gallia and state of Ohio, be and is hereby made and constituted a special school district, to wit: Beginning at the northeast corner of section twelve in Guyan township, Gallia county.

Ohio, thence running west to section eighteen, thence south along the line between sections twelve, eighteen, seventeen and eleven, four hundred rods to the southeast corner of the southeast quarter of the southeast quarter of section seventeen, thence west one hundred and sixty rods, thence south one hundred and twenty rods, thence east one hundred and sixty rods, so as to include all the lands belonging to G. W. Nidy, situated in section seventeen, thence south forty rods, thence east eighty rods, thence north eighty rods, thence east two hundred and forty rods to the east line of Guyan township, thence north along said east line between Guyan and Ohio townships to the southeast corner of section twelve in Guyan township, thence east eighty rods into section six of Ohio township, thence north three hundred and twenty rods to the north line of Ohio township, thence west to the place of beginning.

SECTION 2. All school property situated within the said described territory shall be the property of said special school district.

SECTION 3. Said special school district shall be known as Mercer-ville special school district, and said special school district shall be entitled to and shall receive its proportionate share of the tuition funds and the funds levied for school-house and contingent expenses now in the hands of the county or township treasurer, or now levied and not yet collected, and said proportionate share shall be based upon the enumeration of A. D. 1893.

SECTION 4. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
506L

[House Bill No. 1039.]

## AN ACT

To authorize the trustees of Columbia township, Hamilton county, Ohio, to construct sidewalks on certain roads and avenues in Columbia township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Columbia township, Hamilton county, Ohio, be and they are hereby authorized to construct sidewalks on both sides of Columbian avenue, from its intersection with Montecello avenue, northeastwardly to the Brotherton road, and also on both sides of the Brotherton road from Columbian avenue northeastwardly to the corporation line of the village of Madisonville, and also on both sides of Michigan and Shaw avenues from Erie avenue to the Wassan road, and also on both sides of Andrew avenue from Erie avenue to the Madison pike, or upon any or all of the same, as said trustees may determine.

SECTION 2. Said trustees shall employ a competent engineer under whose direction the work shall be done, and who shall also prepare plans,

specifications and estimates for the construction of said sidewalks, and shall award the contract to the lowest bidder, who shall furnish good and sufficient sureties for the faithful performance of said work. Said sidewalks shall be constructed of such material upon each street, as said trustees may determine. There shall be crossings on the intersecting streets, which shall be constructed of two rows of flag stones laid parallel with each other; ten days' notice shall be given by advertisement for proposals and the sale of bonds under this act, and like notice shall be given of the levying of the assessment. All notices required to be given herein shall be by publication twice in a newspaper of general circulation in the county.

SECTION 3. All costs and expenses of constructing the sidewalks on each road, together with the interest on any bonds issued by the trustees for the same, shall be levied and assessed upon each front foot of the lots and lands abutting on the side of such roads where said sidewalk is laid, and shall be a lien from the date of the assessment upon the respective lots or parcels of land assessed. Said assessments shall be payable in six semi-annual payments, and the option of paying his portion of said assessment in full, within a period of twenty days from the date of the levying thereof, shall be given to each of the property owners, and notice by publication to the owners of property of such option shall be given. The township treasurer shall, on or before the second Monday of September, annually, certify all unpaid assessments to the county auditor, and the same shall be collected by the county treasurer in the same manner as other taxes are collected, and when collected he shall pay the same to the township treasurer, and all moneys received by said township treasurer shall be applied to the payment of the bonds issued under this act, and for no other purpose; and for the purpose of enforcing the collection of the assessment so certified to him, the township treasurer shall have the same power and authority now allowed by law for the collection of state and county taxes.

SECTION 4. For the purpose of raising the money necessary to meet the expense of the improvements, the trustees of Columbia township are hereby authorized to issue the bonds of the township payable in instalments or at intervals not exceeding in all the period of four years, bearing interest at the rate of six per cent. per annum, which bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
507L

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[House Bill No. 1051.]

### AN ACT

To authorize the special school district of Celina, Mercer county, Ohio, to issue and sell bonds to construct a school building and pay for the site thereof.

SECTION 1. *Be it enacted by the General Assembly of the State*

of Ohio, That the board of education of the Celina, Ohio, special school district in Mercer county, be and the same is hereby authorized to issue the bonds of said school district in an amount not exceeding sixteen thousand (\$16,000) dollars, payable any time the board may direct not exceeding twenty-three years, the same to bear interest at six per cent. per annum, payable semi-annually, for the purpose of constructing a new school-house and to pay for the site thereof. Said bonds may be sold at either public or private sale for not less than their par value, and shall be signed by the president of the board and attested by the secretary.

SECTION 2. For the purpose of paying the said bonds and the interest on the same as they become due, the board of education is hereby authorized to levy a tax on all the taxable property in said school district, to be collected the same as other taxes are now collected in said district, not exceeding one and one-half ( $1\frac{1}{2}$ ) mills, in addition to that now levied, for any time said board may deem necessary not exceeding twenty-three years.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
508L

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[House Bill No. 1052.]

### AN ACT

To authorize the trustees of Brown township, Miami county, Ohio, to remove a cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Brown township, Miami county, Ohio, be and they are hereby authorized and required to remove the bodies interred in Leatherwood cemetery, located in the south half of the northeast quarter of section one, town two, range twelve, in said township within one year from the passage of this act.

SECTION 2. Before making said removal, said trustees must give public notice for thirty days in some newspaper in general circulation in said township; and upon failure of any one to remove bodies interred in said cemetery within thirty days after such notice, said township trustees must remove the same to some other public cemetery in said township, and they are hereby authorized to sell the ground in said cemetery and use the proceeds in paying the costs of said removal.

SECTION 3. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
509L



## AN ACT

To create a special school district in Liberty township, Putnam county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described territory in Liberty township, Putnam county, Ohio, be and the same hereby is declared to be a special school district to be known as "Liberty special district," to wit: Commencing at the north quarter post of section twenty-six (26), town two (2) north, range seven (7) east, in Putnam county, Ohio, running thence south to the south line of said township; thence west on said township line to the southwest corner of section thirty-three (33) in said township; thence north to the northwest corner of said section thirty-three (33); thence east eighty (80) rods; thence north one hundred and sixty (160) rods; thence west eighty (80) rods; thence north to the northwest corner of section twenty-eight (28) in said township; thence east to the north quarter post of section twenty-seven (27) in said township; thence south eighty (80) rods; thence east two hundred and forty (240) rods; thence north eighty (80) rods; thence east to the place of beginning.

SECTION 2. Such special school district shall be governed by such laws as are now, or may hereafter be in force relating to special school districts. And said special school district shall be entitled to receive its proportionate share of school funds and the funds levied for incidental expenses in accordance with the enumeration for the year 1893; provided, a board of education shall be elected at a special election in said special school district on or before the sixteenth day of June, at least six days notice of which election shall be given by notices signed by at least three electors of said special school district and posted at three public places therein; and the said election, the number of members of such board of education and their terms shall be governed by the general laws now in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.

510L

## AN ACT

To authorize the trustees of Riley township, Putnam county, state of Ohio, to issue bonds and levy a tax for the purpose of paying off the bonds of said township issued under an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve public highways in said townships, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Riley township, in Putnam county and state of Ohio, are hereby authorized to issue the bonds of said town-

ship of Riley to the amount of thirty-five thousand dollars (\$35,000), for the purpose of providing for the payment of the bonds of said township issued by the said board of trustees pursuant to an act passed April 13, 1880, and acts amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes."

SECTION 2. That said bonds shall be issued in denominations of \$500 each, and all of said bonds shall be issued to mature at such times as said board of trustees shall determine, but not to exceed fifteen years from the date of their issue, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; and said bonds shall be signed by the trustees of said township and countersigned by the clerk of said township.

SECTION 3. That it shall be the duty of said board of trustees to issue and sell said bonds at such times and in such amounts as will provide a fund to pay off, as they become due, the bonds of said township now outstanding, and issued pursuant to said act passed April 13, 1880, and acts amendatory thereto. And the proceeds arising from the sale of said bonds shall be applied in the payment of said bonds now outstanding.

SECTION 4. That said board of trustees are hereby authorized and empowered to levy, annually, a tax not to exceed seven mills on the dollar, in addition to other taxes authorized by law, on all the taxable property of said township, for the purpose of paying the principal and interest on the bonds in this act authorized to be issued.

SECTION 5. The levy provided for herein shall be placed upon the tax duplicate and collected as other taxes, and when collected shall be paid over to the township treasurer of said township of Riley, and shall be under the control of said trustees. And said township treasurer shall receive as his compensation for receiving and paying out said money, one-half of one per centum of the amount so received and paid out.

SECTION 6. The said trustees are hereby prohibited from issuing additional bonds under said original act passed April 13, 1880, and the act amendatory thereto, passed April 19, 1881.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
511L

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[House Bill No. 1057.]

## AN ACT

To authorize the council of the city of Massillon, in Stark county, Ohio, to issue bonds for the building of four storm-water sewers and the improvement of Wooster street, under the direction of the city council in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Massillon, Ohio, in Stark county,

be and the same is hereby authorized to issue and sell bonds of said city, in a sum not exceeding twenty-five thousand (\$25,000) dollars for the purpose of building four storm-water sewers, and for the improvement of Wooster street, under the direction of the city council of said city.

SECTION 2. Said bonds shall be signed by the mayor, and countersigned by the clerk of said city and may be issued in such denominations and sold in such manner at not less than their par value as said city council may determine, and to bear interest not exceeding the rate of six per cent. (6%) per annum, payable semi-annually, and payable in semi-annual series, twenty (20) years from date of issue.

SECTION 3. Before issuing said bonds, the city council shall submit the question of issuing the same to the qualified electors of said city, at some special or general election, as the council shall determine; in either case, by giving notice thereof for ten days previous thereto, by publication in two newspapers, published in, or of general circulation in said city. The tickets shall have printed or written thereon, the words, "Issue of bonds for sewers and improvement of Wooster street, Yes, — No." If the majority of those voting on the proposition, at such election, shall be in favor of the issuing of said bonds, then and then only, shall the council be authorized to issue said bonds, as hereinbefore provided.

SECTION 4. Said council is hereby authorized to levy a tax, not exceeding one mill, in addition to the amount now authorized to levy for the purpose of raising the money with which to pay the interest and principal of said bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

512L

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[House Bill No. 1058.]

### AN ACT

To authorize the school board of Grandview township, Washington county, to increase their levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school board of Grandview township, Washington county, be, and are hereby authorized to increase their levy for school purposes to not to exceed twelve (12) mills on the dollar.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

513L

## AN ACT

To amend sections 1 and 2 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, as amended April 2, 1891.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1 and 2 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, as amended April 2, 1891, be amended so as to read as follows:

Sec. 1. In cities of the second grade of the first class the legislative power and authority shall be vested in a council consisting of twenty-two members, to be elected by districts, who shall serve for a term of two years, and annually one member shall be elected from each district for the term of two years. Members of the council shall be residents of their respective districts, and in case any member shall remove from the district for which he was elected, his office shall thereby become vacant, and such vacancy shall be filled as provided by law.

Sec. 2. For the purpose of electing such members of the council such cities are hereby divided into eleven districts, as follows:

The first, second, third and fourth wards shall constitute the first district.

The fifth, sixth, seventh and eighth wards shall constitute the second district.

The ninth, eighteenth and nineteenth wards shall constitute the third district.

The tenth, eleventh, twelfth and fourteenth wards shall constitute the fourth district.

The thirteenth, fifteenth, sixteenth and seventeenth wards shall constitute the fifth district.

The twentieth, twenty-first, twenty-second and twenty-third wards shall constitute the sixth district.

The twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh [wards] shall constitute the seventh district.

Twenty-eighth, twenty-ninth, thirtieth and thirty-fourth wards shall constitute the eighth district.

The thirty-first, thirty-second, thirty-third and forty-first wards shall constitute the ninth district.

The thirty-fifth, thirty-sixth and fortieth wards shall constitute the tenth district.

The thirty-seventh, thirty-eighth and thirty-ninth wards shall constitute the eleventh district, to which shall be added any territory adjoining either of said wards and which may hereafter be annexed to the municipality.

All councilmen heretofore elected shall serve until their terms expire. At the next regular municipal election after the passage of this act there shall be elected in the ninth district one member of the council for a term of two years; in the tenth district there shall be elected two members of the council, one for the term of one year, and one for the term of two years, and in the eleventh district there shall be elected one member of the council for a term of two years.

SECTION 2. That said sections 1 and 2 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, as amended April 2, 1891, be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 19, 1894.

514L

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[House Bill No. 1063.]

### AN ACT

To amend section 20 of an act entitled "An act to create a depository commissioner in cities of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundred and eighty-five, or which at any subsequent federal census may have such population, and to establish a depository for city and school funds of such cities," passed April 6, 1891 (O. L. vol. 88, p. 287), as amended April 27, 1893 (O. L. L., p. 83).

[GALION.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty of an act to create a depository commission in cities of the second class, fourth grade, having at the federal census of 1880 a population of not less than five thousand six hundred and thirty-five nor more than five thousand six hundred and eighty-five, or which at any subsequent federal census may have such population, and to establish a depository for city and school funds of such cities, as amended April 27, 1893 (O. L. L., p. 83), be so amended as to read as follows:

Sec. 20. An officer, agent, or employe of any city contemplated by this act, or of any officer of the board of education of any such school district, who wilfully violates any provision of this act, or wilfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, for the use of the city, if he be an officer, agent, or employe of the city, and for the use of the school district if he be an officer, agent, or employe of the board of education thereof, or be imprisoned in the jail of the county not less than six months nor more than one year, or both, at the discretion of the court, and shall stand committed until fine and costs are paid. The council of any such city shall provide reasonable compensation to the treasurer thereof in addition to any salary heretofore provided for in any sum not less than two hundred dollars nor more than two hundred and ten dollars per annum for the additional duties imposed upon him by this act, and shall also provide reasonable compensation for any additional services performed by the city clerk under the act to which this is amendatory.

SECTION 2. Said original section 20 as amended is hereby repealed, and this act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 19, 1894.  
 515L

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[Senate Bill No. 251.]

## AN ACT

To provide for liens in certain cases, to secure the cost of the construction and repair of sidewalks.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second grade of the second class, whenever sidewalks are to be constructed or repaired by virtue of proceedings under section 2329 of the Revised Statutes, and the owner or owners of the lots or lands along, in front of or abutting which, such sidewalks are to be constructed or repaired, enter into a written contract, setting forth such lots or lands, with any other person, firm or corporation, to so construct or repair such sidewalks, and such contract is filed with the city civil engineer of such city before such construction or repair is begun, the person, firm or corporation so contracting to do such construction or repair, shall, upon the completion of same according to the terms of such contract and to the satisfaction of such civil engineer, have a lien upon such lots or lands to secure the payment of the contract price of such construction or repair, or any part thereof that may remain unpaid.

SECTION 2. Such lien shall be prior and preferable to all other liens upon such lots or lands, except for taxes and assessments, and shall be and constitute a lien until fully paid, but not for a period exceeding two years from and after the completion of such construction or repair as provided in the preceding section; provided, however, that if an action be begun as hereinafter provided, such lien shall continue until finally adjudicated or satisfied in such action.

SECTION 3. Within two years from the completion of such construction or repair as herein provided, an action may be begun in any court of competent jurisdiction for the enforcement of any lien existing by virtue of this act, and such lien shall continue in force until finally adjudicated and satisfied in such action. In event of failure to begin such action within the time limited herein for that purpose, such lien shall expire and cease to exist.

SECTION 4. Such civil engineer shall enter in a book all such contracts as shall be filed with him, mentioning the lots or lands named therein, and when the contract price has been paid, or a lien that has arisen by virtue of this act has been satisfied, he shall make a note to that effect upon the same page with the original entry, and it shall be the duty of the person, firm or corporation holding such lien or to whom such price is paid, to promptly notify such civil engineer of such payment or satisfaction.

SECTION 5. If any such lots or lands are owned by a married woman and such contract for construction or repair be entered into by her husband, and such construction or repair be done as aforesaid without her express objection, such husband shall be deemed and held to be her duly and legally authorized agent therein.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 21, 1894.  
516L

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[Senate Bill No. 335.]

### AN ACT

To repeal sections 6, 7 and 8 of an act passed April 5, 1894, entitled "An act to authorize the commissioners of Butler county to issue bonds, prohibit the auditor from issuing orders on exhausted funds, and limiting the application of sections 1024 and 1108."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 6, 7 and 8 of an act entitled "An act to authorize the commissioners of Butler county to issue bonds, prohibit the auditor from issuing orders on exhausted funds, and limiting the application of sections 1024 and 1108 be and the same are hereby repealed, and this act shall take effect on and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate*

Passed May 21, 1894.  
517L

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[Senate Bill No. 388.]

### AN ACT

To authorize the board of education of the village of Brookville, Montgomery county, Ohio, to issue bonds to pay for school grounds and house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the village school district of Brookville, Montgomery county, Ohio, be and is hereby authorized to borrow eight thousand dollars (\$8,000), to be applied to the payment of the expense incurred in purchasing a site and building and equipping a school-house in said village district.

SECTION 2. That for the purpose aforesaid the board is authorized to issue the bonds of the said village district, signed by the president and countersigned by the clerk of said board, in sums not exceeding eight thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to run such length of time, not

exceeding eighteen years, as may be determined by said school board, and shall not be sold for less than their par value.

**SECTION 3.** Said board of education is hereby authorized to levy a tax on all taxable property of said village and of the territory that may be attached thereto for school purposes, in addition to what is already authorized by law to be levied, sufficient to meet the annual interest of said bonds and to pay the principal of the same as it may become due.

**SECTION 4.** That an act passed April 5, 1894, to authorize the board of education of Brookville special school district, Brookville; Montgomery county, Ohio, to issue bonds and borrow money, be and the same is hereby repealed.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
518L

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[Senate Bill No. 411.]

### AN ACT

To authorize the city of Cleveland to transfer certain funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Cleveland be and is hereby authorized to transfer the sum of four thousand dollars (\$4,000), from the interest fund to the sanitary fund. Said sum, when so transferred, to be used only for construction of bathing-houses.

**SECTION 2.** This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
519L

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[Senate Bill No. 436.]

### AN ACT

To authorize and direct the commissioners of Butler county to build a bridge across the Great Miami river, and to issue the bonds of the county for the payment of the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county be and they are hereby authorized and directed to build a bridge across the Great Miami river at the point where High and Main streets intersect said river in the city of Hamilton, in said county, and to construct the necessary approaches thereto.



SECTION 2. That said bridge shall be of the full width of said Main street measuring from lot line to lot line on either side of said street; the roadway in said bridge shall be of the full width of the roadway in said Main street, measuring from curb to curb on either side thereof; and the sidewalks of said bridge shall be of the same width as and shall be continuations of the sidewalks of said Main street.

SECTION 3. That for the purpose of providing for the cost of said bridge, the county commissioners of said county are hereby authorized and directed to borrow such a sum of money as they may deem necessary, not exceeding the sum of one hundred thousand dollars (\$100,000), and to issue the bonds of said county of Butler with interest warrants attached thereto therefor; that said bonds shall be payable not sooner than fifteen nor later than thirty years after their date, and shall bear interest at a rate not to exceed four and one-half per cent. per annum, payable semi-annually on the first days of January and July of each year, respectively, at the office of the county treasurer of said county on presentation of the proper interest coupons; that said bonds shall all bear the same date and shall be sold for not less than their par value with accrued interest, and the proceeds arising from the sale of said bonds shall be applied solely to the purpose of building said bridge.

SECTION 4. That the bonds so issued shall be signed by the commissioners, or any two of them, and be countersigned by the county auditor of said county, and be sealed with the county seal of said county, with six months' interest-bearing coupons signed by said auditor. Said bonds shall be issued in denominations of not less than five hundred dollars nor larger than one thousand dollars, and such bonds shall specify distinctly the object for which they are issued.

SECTION 5. For the purpose of paying the interest and the principal of said bonds said commissioners are hereby authorized and directed, and shall annually at their June session, in addit on to other taxes levied and collected, levy such amount of taxes as shall pay the interest on said indebtedness, and create a sinking fund to redeem said bonds when due. If the commissioners fail, refuse and neglect to levy such taxes upon the taxable property of said county, then the auditor shall levy said taxes, and place the same upon the tax list, and all the taxes levied and collected under the provisions of this act shall be applied to the specific object for which it was levied, and no other.

SECTION 6. All bonds issued under this act shall be correctly and consecutively numbered in the order in which they were issued, and shall be registered by the county auditor in the "bond register." The treasurer in his semi-annual settlement with the auditor and commissioners shall deliver to said auditor and commissioners all interest-bearing coupons by him redeemed, and bonds redeemed which were issued under this act, and receive credit therefor, the same as for vouchers issued by said auditor, and the said auditor shall have said coupons pasted in a book kept for that purpose, and each bond when redeemed must also be pasted in said "bond paster."

SECTION 7. The county commissioners shall not transfer any part of said fund, or unexpended balance, if any, but if there be a balance of said fund it shall be kept and used for repairs on said bridge for which said fund was created, and no other.

SECTION 8. The bonds issued for the object stated in this act shall be considered and held to be issued under the general statutes of Ohio, except so far as modified in this act.

SECTION 9. That said commissioners be, and they are hereby authorized and directed to remove the old bridge now across said river at High and Main streets, and to dispose of the material therein and to use the proceeds arising from the same in paying the cost of said bridge.

SECTION 10. Upon the passage of this act there shall be appointed by the judge of the court of common pleas of said county resident therein, three competent freeholders thereof to be known as the building committee who shall continue and act as such building committee for one year, or until said bridge is completed. They are hereby authorized to act and vote with said county commissioners in making plans, estimates, and specifications for said bridge, and to act and vote with said commissioners in approving and adopting said plans, and to act and vote with said commissioners in awarding the contracts for constructing and building said bridge, and in determining all questions in connection therewith, and in removing said suspension bridge and disposing of the material therein, until said bridge is completed and finished according to contract, and accepted by a majority of said commissioners and said committee; and the said judge of said court is authorized to fill any vacancy arising in said committee from any cause, should he deem the same necessary and advisable.

SECTION 11. The members of said committee before entering upon the discharge of their said duties shall be sworn to honestly and faithfully discharge the same to the best interests of the county. They shall each be paid for said services out of the county treasury upon the warrant of the auditor, the sum of one thousand dollars for the entire time they may be so engaged up to the completion of said bridge.

SECTION 12. That an act entitled "An act to authorize and direct the commissioners of Butler county to build two bridges across the Great Miami river, and to issue the bonds of said county for the payment of the same," passed March 17th, 1892, so far as the same provides for the building of a bridge at High and Main streets, or other point centrally located in said city of Hamilton, and "An act supplementary to and amendatory of an act entitled 'an act to authorize and direct the commissioners of Butler county to build two bridges across the Great Miami river, and to issue the bonds of said county for the payment of the same,'" passed April 25th, 1893, be and the same are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

520L,

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[Senate Bill No. 438.]

## AN ACT

To fix and define the corporate boundaries and territorial limits of the city of Findlay, in the county of Hancock and state of Ohio, and to repeal all such parts of the acts relating to the detachment of certain lands from the city of Findlay in

said county, inconsistent with this act. Said acts referred to being an act passed April 16, 1890, being house bill No. 606, and one passed March 27th, 1891, being house bill No. 685, and one passed April 23rd, 1894, being house bill No. 850.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits and territorial boundaries of the city of Findlay, in the county of Hancock, and state of Ohio, shall be, and the same hereby are declared to be within the boundaries and lines herein after set forth, and that all the lands, tracts, parcels or parts of lands included within and bound[ed] by the lines hereinafter described; shall comprise the territory included within the corporate limits of said city of Findlay, Hancock county, Ohio, to wit: Commencing for the same at the northeast corner of the northwest quarter of section six (6), township one (1) north, range eleven east; thence west on the township line to the northwest corner of the east half of the northeast quarter of section one (1), township one (1), north, range ten (10) east; thence south to the southwest corner of said east half of said northeast quarter of section one (1), township one (1), range ten (10) east; thence west to the center of said section one; thence south to the southeast corner of the southwest quarter of said section one (1); thence west to the southwest corner of said southwest quarter of said section one; thence south on the section line between sections eleven (11) and twelve (12), township one (1), north, range ten (10) east to the southwest corner of said section twelve (12); thence continuing south on the section line between sections thirteen and fourteen to the north line of the cemetery; thence west to the west line of the east half of the northeast quarter of section fourteen, township one (1) north, range ten (10) east; thence south on the quarter section line to the southwest corner of the east half of the southeast quarter of said section fourteen, thence continuing south on the west line of the east half of the northeast quarter of section twenty-three (23), township one north, range ten (10) east, and the west line of the east half of the northeast quarter of section twenty-three (23), township No. one (1), north, range ten (10) east, and the west line of the northeast quarter of the southeast quarter of said section twenty-three (23) to the southwest corner of said northeast quarter of said southeast quarter of said section twenty-three; thence west on the north line of the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter to the northwest corner of said southeast quarter of the southwest quarter of said section twenty-three (23); thence south on the west line of the southeast quarter of the southwest quarter of section twenty-three to the north line of the right of way of the Findlay, Fort Wayne and Western railway company; thence west on said north line of said railroad right-of-way to the west line of original Findlay township in said county of Hancock, and state of Ohio; thence south on the original Findlay township line to the southwest corner of the northwest quarter of section twenty-six (26), township one north, range ten east; thence east on the half section line to the southeast corner of the northeast quarter of said section twenty-six (26) thence north on the section line between sections twenty-five and twenty-six in said township one north, range ten east, to a point on said section line directly west of the southwest corner of the John Sherman addition to the city of Findlay, Ohio; thence east through the northwest quarter of section twenty-five, township one north, range ten (10) east to said southwest corner of said John Sherman addition; thence south on the half section line to the southwest corner of the

southeast quarter of said section twenty-five; thence east on the section line between sections twenty-five and thirty-six in said township one, north, range ten east, to the range line, being Main street to the city of Findlay, Ohio; thence continuing east on the section line between sections thirty and thirty-one, township one, north, range eleven (11) east, to the southeast corner of the west half of the southeast quarter of said section thirty; thence north on the east line of the west half of the southeast quarter of section thirty aforesaid, to the northeast corner of said west half of the southeast quarter of said section thirty; thence west on the half section line to the center of said section thirty; thence north on the half section line to the northeast corner of the northwest quarter of said section thirty (30); thence east on the section line between sections nineteen and thirty to the southeast corner of the southeast quarter of said section nineteen; thence continuing east on the section line between sections twenty and twenty-nine (29), township one, north, range eleven (11) east, to the northwest corner of the northeast quarter of the northwest quarter of said section twenty-nine (29); thence south to the southwest corner of said northeast quarter of the northwest quarter of said section twenty-nine; thence east to the southeast corner of said northeast quarter of the northwest quarter of said section twenty-nine; thence south on the half section line to the center of said section twenty-nine; thence east on the half section line to the southeast corner of the northeast quarter of said section twenty-nine; thence north on the section line to the northeast corner of said section twenty-nine; thence continuing north on the east line of the southeast quarter of section twenty, township one north, range eleven (11) east to the north line of the right-of-way of the Cleveland, Cincinnati, Chicago and St. Louis railway company (Big Four), thence in a northwesterly direction following said north line of said railroad right-of-way to the north and south half section line in said section twenty; thence north on said half-section line to the northeast corner of the northwest quarter of said section twenty (20); thence continuing north on the half-section line in section seventeen (17), township one, north, range eleven east to the Findlay Heights addition to said city of Findlay, Ohio; thence east on the south line of said Findlay Heights addition to the east line of said section seventeen (17); thence north on said east line of said section seventeen to the northeast corner of said section seventeen; thence west on the section line between sections eight (8) and seventeen (17), township one, north, range eleven east, to the northwest corner of said section seventeen; thence north on the section line between sections seven (7) and eight (8), township one, north, range eleven east to the northeast corner of said section seven; thence west on the section line between sections six (6) and seven (7), township one, north, range eleven (11) east to the northwest corner of the northeast quarter of said section seven; thence north on the half section line through the middle of said section six (6) to the place of beginning.

**SECTION 2.** All lands, tracts, parts or parcels of land in said city and township of Findlay, Hancock county, Ohio, not included within said above described boundaries, and lying and being east of the range line, or Main street, running north and south through said city of Findlay, be and the same hereby are detached from other lands in said city and township of Findlay, Ohio, and attached to and made a part of the township of Marion, said Marion township, lying and being in said county of Hancock, state of Ohio, contiguous to the lands hereby detached from said city and township of Findlay.

SECTION 3. All lands, tracts, parts or parcels of land in said city and township of Findlay, Hancock county, Ohio, not included within said boundaries so as aforesaid set forth in section one of this act, and lying and being west of the range line, or Main street, running north and south through said city of Findlay, be and the same hereby are detached from other lands in said city and township of Findlay, and attached to and made a part of the township of Liberty, said Liberty township lying and being in said county of Hancock and state of Ohio, and contiguous to said lands west of Main street hereby detached from the said lands in said city and township of Findlay, Ohio.

SECTION 4. All lands, tracts, parts or parcels of land heretofore detached from the other lands in said city of Findlay, and attached to the township of Marion, in said Hancock county, by any act or acts of the general assembly of the state of Ohio, and which said lands, tracts or parcels of land are included within the boundaries and lines set forth in section one (1) of this act, be and the same hereby are detached from said township of Marion, and attached to said city of Findlay, Ohio.

SECTION 5. All lands, tracts, parts or parcels of land heretofore detached from the other lands in said city of Findlay, and attached to the township of Liberty, in said county, by any act or acts of the general assembly of the state of Ohio, and which said lands, tracts, parts or parcels of land are included within the boundaries and lines set forth in section one (1) of this act, be and the same hereby are detached from the other lands in said township of Liberty and attached to said city of Findlay, Ohio.

SECTION 6. That all parts of said act passed April 16, 1890, being house bill No. 606, and said act passed March 27th, 1894, being house bill No. 591, and one passed April 17th, 1894, being house bill No. 685, and one passed April 23, 1894, being house bill No. 850, being inconsistent with this act be and the same hereby are repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

521L

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[Senate Bill No. 393.]

## AN ACT

To authorize a levy for the payment of certain indebtedness in the Dublin village district of Washington township, Franklin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village district of Dublin, in the township of Washington, Franklin county, Ohio, is hereby authorized and empowered to levy a tax of three mills in addition to that now authorized by law, for the period of five years, upon all the taxable property of said village district for the purpose of paying the debts heretofore con-

tracted for the support of the schools within said village district, and for school purposes.

SECTION 2. This act to take effect on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.

522L

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[House Bill No. 218.]

### AN ACT

To authorize the commissioners of Adams county, Ohio, to build a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, Ohio, be and are hereby authorized to construct the following free turnpike road, to wit: Commencing at or near the farm of Andrew Cessna, in the township of Franklin, county of Adams, Ohio, running at or near as practical with state road to the Scioto county line, near the town of Rarden, Scioto county, Ohio.

SECTION 2. Said commissioners may, in their discretion, order at once the building of said road, but before ordering said road shall require donations of not less than twenty per cent. of the estimated cost thereof, and may issue bonds for the construction of the same, bearing six per cent. interest, which shall not be sold for less than their par value, and may levy a tax not exceeding two mills on the dollar, annually, on all taxable property of said county for the purpose of paying said bonds and interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.

523L

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[House Bill No. 522.]

### AN ACT

To create a depository commission in certain cities and to designate a depository for the funds thereof, and to provide for a treasurer of the school funds of such cities, and for other purposes.

[AKRON AND YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the money belonging to each city, excepting cities of the second class, third grade "a," which according to the federal census of

1890 had, or which according to any subsequent federal census shall have not less than twenty-seven thousand and not more than thirty-four thousand inhabitants, shall be deposited by the treasurer of the city, as hereinafter provided, in a bank situate within the boundaries of the city and duly incorporated under the laws of this state, or of the United States, to be designated as hereinafter provided as the depository for such money by a commission composed of the "board of city commissioners" of such city and their successors in office, and to be known for the purposes provided for in this act as the depository commission.

SECTION 2. The officers designated in the preceding section as constituting such depository commission shall serve as members thereof, and without compensation; but the commission shall be provided with necessary books and stationery, at the expense of the city. The commission shall hold meetings on the first business day of each month, and whenever called to meet by the chairman or vice-chairman for a special purpose, at the commissioners' rooms of the city, and shall keep a record of its proceedings, and file all official papers received by it, which records and papers shall be open to public inspection; and a transcript of any entry in such record or copy of any such paper, duly certified as such by the chairman and clerk, shall be received as evidence in any of the courts in this state.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in two newspapers printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest, and it shall not be less than two per centum, they will pay respectively for the use of the money aforesaid; and such proposals shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposal be accepted.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor, but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depository, or if there be no bids, the commission may advertise from time to time until satisfactory bids are received.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than three hundred thousand dollars to be recovered in the name of the depository commission, for the use of the city. Such undertaking shall be signed by six resident freeholders of the city as sureties, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depository of such money.

**SECTION 6.** The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor, and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within three days after the award is made, the commission may award the use of the money to any other bank the written proposal of which offers the same rate of interest therefor as is designated in the proposal of such defaulting bank; but if the proposal of no other bank offers the same rate of interest as aforesaid, the commission may award the use of the money to any bank the written proposal of which offers the next highest rate of interest therefor; but not a less rate than is provided for in section 3, of this act, or the commission may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid; and in case of an award after such default the bank to which the award is made shall execute an undertaking as aforesaid, to the acceptance of the commission.

**SECTION 7.** The bank to which an award is made shall, upon the acceptance of such undertaking by the commission, become the depositary of the money aforesaid until the undertaking of its successor is accepted by the commission; but the commission may require additional security from the bank, at any time it deems the same necessary, in such sum as it shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission, and another bank designated to be the depositary thereof temporarily, at such rate of interest, or without interest, as the commission may determine. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of proceedings of the commission; and a copy thereof, duly certified as such by the chairman and clerk of the commission, shall be transmitted to the city council, and a like copy to the board of education of the school district, and thereupon the city clerk shall issue his warrant for the withdrawal of the money of the city from the depositary, and thereupon the city treasurer, as such, and as treasurer of the school funds, shall issue checks accordingly for the removal. If the money, in case of such removal, be deposited in a bank designated as a depositary temporarily, such bank shall, before the receipt by it of any of the money, enter into an undertaking as required by preceding sections; but if no bank be so designated, the money shall be disposed of as provided in section nine.

**SECTION 8.** The commissioners may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest bearing bonds of the city or school district, or of the county within which the depositary is located, or United States bonds, the face value of which shall not be less than the sum specified in section five as the amount to be named in the undertaking in lieu of which such bonds are accepted; or the commission may accept such bonds in lieu of such undertaking in full and of the other in part; and in case of such acceptance as partial security the commission shall require an undertaking for the remainder of the full amount of the security specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds



shall be by indorsement of the fact and purpose on the back of each which indorsement shall stipulate that the bond shall be the property of the city or of the school district, as the case requires, in the event of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commission shall require the signature of each member thereof. The commission shall make ample provision for the safe-keeping of such bond or hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

SECTION 9. If at any time, for any cause, the commission be unable to secure a depositary as provided by preceding sections, the money shall remain in the custody of the treasurer aforesaid, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be transferred to such treasurer, in the manner provided in section seven for removals, and in either case such treasurer shall be custodian as aforesaid until such time as a depositary is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the city clerk, countersigned by the chairman of the commission which in such case shall not be in duplicate; but he shall keep such books, and make such statements of receipts and payments, as city treasurer, as are required by this act when the money is in the custody of a depositary, except that such books and statements shall show that the money is in his custody instead of being in the custody of a depositary.

SECTION 10. It shall be the duty of every board, officer, agent, [and] employe of each city within the provision of this act, having money in their hands belonging to the city, to deposit such money with the city treasurer upon the taking effect of this act; and thereafter such boards, officers, agents, and employes as receive money on account of the city shall deposit with the treasurer daily all money so received by them, and no person or employe of the city shall pay out any public money for any purpose except such as is paid out by the city treasurer under the provisions of this act.

SECTION 11. The treasurer aforesaid, shall, upon the receipt of a written notice, signed by the chairman and clerk of the commission, stating that a depositary has been selected in pursuance of the provisions of this act, and naming the bank selected, deposit in such depositary all the money in his custody belonging to the city and to the school district respectively, and thereafter he shall, at the close of each business day, deposit therein his total receipts for the day, which time or hour of the day may be designated by the commission and made a matter of record, and the same shall be observed by the treasurer as the hour for the closing of each day's business. All money so deposited shall bear interest at the rate specified in the proposal of the bank selected as depositary, to be computed on daily balances; and on the first day of March and the first day of September each year, and at any time the accounts are closed, the depositary shall place such interest on the money of the city to the credit of the city, and the treasurer shall, in writing, notify the city clerk of the amount so credited to the city, which shall be credited by the clerk to its several funds, including the school fund, in proportion to the total amount of each deposited.

SECTION 12. The depositary shall, in writing, notify the city clerk before noon of each business day of the amount of deposits to the

credit of the city, made by the city treasurer the preceding business day; and the depository shall pay out money deposited under the provisions of this act only on the checks of the city treasurer, and no such check shall be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the city clerk, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," and shall be filed and kept in the office of the treasurer to whom it is issued, and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer.

SECTION 13. Before noon of each business day the city treasurer shall make to the city clerk a sworn statement, showing for the preceding business day the total amount of money received by him, the total amount deposited in the depository, the total amount of checks issued on the depository, and the balance in the depository, and he shall keep such books as shall enable him to make such statements. All money paid to the city treasurer except the collection of taxes placed upon the duplicate by the county auditor, shall be paid upon the order or draft of the city clerk, and receipts given therefor shall be in duplicate, one of which shall have printed upon its face the word "original," and the other the word "duplicate." The duplicates of receipts for money belonging to the city shall be filed with the city clerk, and each duplicate shall be so filed on the day of its date; and each receipt and duplicate shall state the amount received, from whom received, and to what fund or funds the same is to be applied.

SECTION 14. The monthly pay-rolls of the police, fire, and street departments of the city, and the monthly pay-rolls of the board of education of the school district, shall be paid in cash; and to provide money for such payments the city clerk, upon the receipt of an order and a pay-roll specifying the amount and to whom such payments are due, from the clerk of the board of education, countersigned by the president of the board, shall issue an order countersigned by the chairman of the commission upon the treasurer for an amount equal to such pay-roll, which order and pay-roll shall be by the clerk of the city, delivered to the treasurer, who shall draw his check upon the city depository, if the money of the city is in a depository, and if in the city treasury, in either case he shall pay the persons to whom such several amounts are due, taking their receipts therefor, upon such pay-roll. And for the pay-rolls of the city departments specified in this section, the clerk of the city shall, after approval by ordinance by the city council, issue his order countersigned by the chairman of the commission upon the treasurer, and with delivery of such order to the treasurer, shall be a complete pay-roll of each of the aforesaid departments, specifying the person to whom and the amount to be paid, and the treasurer, upon the receipt of the order and pay-roll, shall draw his check upon the city depository, if the money of the city is in a depository, and if in the city treasury he shall, in either case pay said several amounts, taking the receipt of the person to whom such payments are due upon the pay-roll furnished the treasurer by the city clerk; but all other payments made by the city shall be by separate orders, and shall be drawn in favor of the person to whom the amounts specified therein respectively are due, or in favor of their assigns. And each and every order drawn by the city clerk shall be in duplicate, the

original being delivered to the party to whom the payment is made, and the duplicate, a stub from which the original has been detached, kept in a book provided by the city for such original [and duplicate] orders, and on file in the office of the city clerk.

**SECTION 15.** The city clerk shall keep in his office books in which shall be entered the receipts of the city treasurer's office daily to the credit of the city, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with the depositary to the credit of the city, as shown by the statements of the depositary, the daily aggregate amount of all warrants issued by him, and the balance at the close of each business day to the credit of the city in the hands of the depositary. And upon receipt by the city clerk of the sworn statement provided for by section thirteen he shall certify thereon to the correctness of the same, if, upon comparison with his books, he find the same to be correct, and shall file such statement in the office of the depositary commission. If any such sworn statement be found incorrect he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately he shall forthwith notify the depositary commission thereof.

**SECTION 16.** The city clerk shall keep in his office books which shall show the balance daily to the credit of each fund of the city department and school district, and shall issue no order payable from any such fund unless there is money belonging thereto for the payment of the order in full; and on the first business day of each month he shall prepare, and submit to the depositary commission, a sworn statement for the preceding month showing the total amount of money received into and paid out of each fund respectively, the balance to the credit of each, and also the total balance of money to the credit of the city and the school district respectively in the custody of the depositary, which statements shall be placed on file by the commission, and a copy of the statement made by the city clerk, duly certified as such by the commission, shall be transmitted to the board of councilmen of the city, and a like copy of the statement shall be transmitted to the board of education of the school district, and each shall be read in open session at the next meeting of the board to which it is transmitted. On the day aforesaid, some officer of the bank acting as the city depositary, shall file with the depositary commission all checks of the city treasurer paid and redeemed by the bank during the previous month, and the commission shall compare such checks with the records of the city clerk's office, and if they be found to correspond the commission shall give the bank a receipt for the same and they shall forthwith cancel and file such checks in the office of the clerk.

**SECTION 17.** Upon the passage by the common council of any city contemplated by this act of the aforesaid ordinance, duly approved, providing for the payment of obligations of the city, the city clerk shall issue his warrants, countersigned by the chairman of the commission, subject to the provisions of sections fourteen and sixteen for the payment of such obligations respectively.

**SECTION 18.** Nothing in this act shall be held or considered as in any manner changing or affecting the liability of the treasurer of the city; provided, such treasurers shall not be held liable for the loss of any money deposited as aforesaid while it is in the custody of the depositary.

SECTION 19. In each city within the provisions of this act the city treasurer shall also be the treasurer of the school funds of the city.

SECTION 20. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise as to cities and school districts aforesaid.

SECTION 21. An officer, agent or employe of any city contemplated by this act, or of any officer of the board of education of any such school district, who wilfully violates any provision of this act or wilfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding ten thousand dollars, for the use of the city, if he be an officer, agent or employe of the city, and for the use of the school district, if he be an officer, agent or employe of the board of education thereof, or be imprisoned in the penitentiary not more than ten years nor less than one year, or both, at the discretion of the court.

SECTION 22. This act shall take effect on the first day of September, one thousand eight hundred and ninety-four.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
524L

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[House Bill No. 743.]

### AN ACT

To authorize the board of education of Willshire special school district, in Van Wert county, Ohio, to levy additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Willshire special school district, in Van Wert county, Ohio, be and the same is hereby authorized to levy an additional tax for four years, and not to exceed seven mills on the dollar, in addition to the tax already authorized by law, the same to be collected as other taxes, for the purpose of meeting present indebtedness, outstanding bonds and repairing school-house in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
.525L

[House Bill No. 822.]

## AN ACT

To repeal an act entitled "An act to divide Mohican township, of Ashland county, Ohio, into two election precincts," passed March 21, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to divide Mohican township, of Ashland county, Ohio, into two election precincts," passed March 21, 1888 (O. L., vol. 85, p. 426), be and said act is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
526L

[House Bill No. 1013.]

## AN ACT

To authorize the commissioners of Hamilton county to provide for the improvement of Fern street and construction of a bridge over the tracks of the Cincinnati, Lebanon and Northern railway company at Fern street, Walnut Hills, in the city of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hamilton county be and they are hereby authorized and directed to levy on all taxable property in said county, in addition to the taxes now by law authorized to be levied thereon, a tax of one-tenth ( $\frac{1}{10}$ ) of a mill on the dollar valuation on the grand duplicate of all taxable property in said county for the year 1894, and to certify the same to the auditor of the county on or before the first Monday in June, 1894, said tax to be used in constructing a bridge, with the foundations and abutments thereof, and approaches thereto across the tracks of the Cincinnati, Lebanon and Northern railway company at Fern street, Walnut Hills, so as to connect Fern street west of said railroad with Lincoln avenue and Lane street east of said railroad.

SECTION 2. The money arising from said tax shall be expended by and under the direction of the board of administration of Cincinnati, and immediately upon the passage of this act, the board of administration shall proceed to prepare plans and specifications, and advertise for bids, and erect said bridge foundations, abutments, and approaches graded and macadamized from Lane street on the east and from the west line of Spring street on the west, and for that purpose they are hereby authorized and directed to make any and all contracts and take all steps necessary to secure the completion of the same, and so far as may be necessary for that purpose they are authorized and directed to anticipate the revenues to be derived from the levy to be made aforesaid.

SECTION 3. Upon the collection of the tax hereby authorized the said county commissioners are hereby authorized and directed to cause

the same to be paid over to said board of administration to be by them expended for the purpose as aforesaid, or in payment of the debt created for that purpose and for no other purpose whatsoever, nor shall any part of said money be transferred to any other fund or be diverted from the object expressed herein.

SECTION 4. Any money derived from said levy not expended in the completion of said improvement shall be transferred to the county commissioners and credited to the bridge fund of Hamilton county, Ohio.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
527L

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[ House Bill No. 1014.]

## AN ACT

For the relief of Peter Schlosser, treasurer of Defiance township, Defiance county, and the sureties on his official bond.

WHEREAS, On the 5th day of June, A. D. 1893, Peter Schlosser was treasurer of the township of Defiance in the county of Defiance, Ohio, and as such treasurer had on deposit with the Defiance savings bank company, a banking institution, the sum of \$1,240.

WHEREAS, On the said 5th day of June, 1893, the said the Defiance savings bank company made an assignment for the benefit of its creditors.

WHEREAS, The assignee of the said banking institution will be unable to realize upon the assets coming into his hands, a sufficient amount to pay the creditors of his said assignor in full, and

WHEREAS, A large number of the taxpayers and other electors of said township have by their petition expressed a desire to have the said Peter Schlosser and the sureties on his official bond released from any loss or liability growing out of the failure of the said banking institution; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be submitted to the electors of the said township of Defiance, in Defiance county, Ohio, at the next general election to be holden therein, the proposition to relieve the said Peter Schlosser and the sureties of [on] his official bond as such treasurer from the payment to the said township or the officers thereof, of whatever part of the said sum of \$1,240 shall remain unpaid to the said Peter Schlosser from the assignee of the said the Defiance savings bank company upon the settlement of its affairs.

SECTION 2. The ballots to be voted at such election upon said proposition shall have written or printed thereon "For relief—Yes," or "For relief—No."

SECTION 3. If a majority of all the votes cast upon said proposition at such election shall be in favor of the relief of the said treasurer and his said bondsmen, then the said Peter Schlosser as treasurer aforesaid and the sureties on his said official bond shall be forever wholly relieved and released from the payment to said township or the officers thereof of any greater sum of the money so deposited with the said the Defiance savings bank company than shall be paid to him by the assignee thereof.

SECTION 4. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said township to be given by publication in two newspapers of opposite politics, in said township for at least thirty days next prior to the date upon which such election is to be held, the costs and expenses of which [the] notice shall be paid by the said Peter Schlosser.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
528L

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[House Bill No. 1016.]

## AN ACT

To provide for the cleaning and sprinkling of public ways of cities of the first grade of the second class.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the councils of cities of the first grade of the second class, upon petition of the property owners, shall hereby be empowered to authorize by ordinance any of the public ways of said cities that have been improved to be cleaned and sprinkled with water, or either. Such ordinance may be passed upon one reading if said councils shall deem it necessary, shall be published not less than three days, shall fix the period of time for which advertisements shall be made for bids for the doing of such work, and shall designate the manner in which assessments shall be made to defray the costs and expenses thereof, which assessments shall be made upon the property.

SECTION 2. Upon the passage of such ordinance, the directors of public improvements of such cities shall appoint two electors of such cities who shall be doing business upon, or residents upon and owners of property abutting upon the public highway, so to be cleaned and sprinkled, or either, who shall serve without compensation and who, together with the said director of public improvements, shall constitute a board of commissioners to contract for and supervise the work provided for in such ordinance. Said commission shall advertise for sealed proposals for the doing of such work, as in said ordinance prescribed, which bids shall be filed with said director. Said commissioners, upon the opening of said

bids, shall let the doing of such work to the lowest responsible bidder, or if they deem best, may reject all bids and advertise for new bids, the work under which shall be let as herein provided. Each bidder shall file with his said bid a bond with sureties in such sum as said commissioners shall prescribe, conditioned that if such work be awarded such bidder, he will enter into a written contract for the doing of such work and will secure the faithful performance of such written contract by bond in such sum and with such sureties as shall be approved by such commissioners. No contract shall be made or entered into by said commissioners for a longer period than for one year and a separate contract shall be made for each separate street, so to be cleaned and sprinkled, or either. Said commissioners shall be appointed for a term of three years and a vacancy arising from any cause may be filled by appointment by said director of public improvements of a person qualified as provided for herein.

SECTION 3. That the entire costs and expenses of the doing of such work, including intersections, shall be a lien upon the abutting property from the date of the contract providing therefor, and said costs and expenses shall be assessed by such council equally upon each lineal foot of the property bounding and abutting upon the public way, so to be cleaned and sprinkled, or either, and as measured upon the line thereof upon such public way; provided, however, that when any public way of such city is cleaned and sprinkled under the provisions of this act, and has constructed therein a line of street railway, over or upon which any street railway company may operate its line of railway, the costs and expenses of the doing of such work shall be assessed upon the lots and lands bounding and abutting upon such public way and also upon the line of street railway that may be built in or upon such public way according to the benefits that such abutting property and such line of street railway shall derive or enjoy by reason of the doing of such work. Said council shall cause a notice to be published for a period of ten days in the newspapers of such cities, having the contract for the city's publishing, of the time and place for the determination of such benefits by a committee of five disinterested members of such council, to be appointed by said council by resolution, which committee shall serve without compensation. Said committee shall have power to adjourn its hearings from day to day, shall make an estimated assessment according to benefits upon such abutting property and on such line of railway, which report shall be placed on file by said committee in the office of the clerk of said cities. Said clerk shall give notice by publication for a period of ten days that such estimated assessment is on file in said office for the inspection of parties interested, who shall file their objections in writing thereto, if any they have, within five days after the expiration of said ten days, and if such persons shall fail so to file their written objections to such estimated assessment, they shall be deemed to have waived all objections thereto. Upon the filing of any such written objections to such estimated assessment, the council shall itself equalize the same. Any assessment, so made or equalized as herein provided, shall be confirmed by council by ordinance and when so confirmed shall be final. Said assessment ordinance shall be passed as soon after the letting of the contract for the doing of such work as said council shall find the same convenient and shall stipulate therein that one-fourth of said assessment shall be paid within three months from the date of said contract and one-fourth of said assessment shall be payable every three months thereafter until the whole assessment be paid. If such assessment be not paid at said times by said



property owners, council shall cause the same to be certified to the tax duplicate for collection as other taxes, and if said railway company, whose line may be so assessed, shall fail to pay said assessment as provided in said ordinance, said assessment may be recovered from said railway company by such cities in a civil action.

SECTION 4. That all acts and parts of acts inconsistent with this act, in so far as they may apply to cities of the first grade of the second class, be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
529L

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[House Bill No. 1017.]

## AN ACT

To authorize the city council of any city having at the last federal census, as ascertained thereby, or which may have at any subsequent federal census, as ascertained thereby, a population of eight thousand two hundred and seventy-three, to borrow money and issue bonds therefor for sewerage of the streets of such city, for the erection of a market-house, and for improving the city hall of such city.

[MARIETTA.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city which at the last federal census had as ascertained thereby, or which at any subsequent federal census may have as ascertained thereby, a population of eight thousand two hundred and seventy-three, be and is hereby authorized to borrow a sum not to exceed twenty-five thousand dollars, and to issue the bonds of such city therefor, to be expended for constructing sewers and their appurtenances in and along the streets of such city, for the erection of a market-house, and for the repair and improvement of the city hall of such city. Said bonds shall be issued in denominations not to exceed five hundred dollars, and shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, and they shall not be sold for less than their par value with accrued interest. Said bonds shall be redeemable at the pleasure of the city council of such city at any time after ten years from the date of the issue of the same, and said bonds shall become due and payable at a period not to exceed thirty years from their date. Said bonds shall be issued in three series, as follows: not to exceed fifteen thousand dollars for the construction of sewers and their appurtenances, as aforesaid; the proceeds arising from the sale of which bonds shall be placed in the city treasury to the credit of what shall be known as the "sewer fund," and shall be used for paying the cost and expense of constructing sewers and their appurtenances in and along the streets of such city, which cost and expense may be either such cost and expense as is by law chargeable upon such city, or such proportion of total cost and expense as the city council

of such city may deem it proper to be paid by such city, or such proportion of total cost and expense, in anticipation of the collection of special assessments therefor, as the city council of such city may assess on lots and lands abutting on such streets or portions of streets in and along which said sewers shall be constructed; not to exceed five thousand dollars for the erection of a market-house, the proceeds arising from the sale of which bonds shall be placed in the city treasury to the credit of what shall be known as the "market-house fund," and shall be used for the purpose of paying the cost and expense of erecting a market-house in such city; and not to exceed five thousand dollars for the purpose of repairing and improving the city hall of such city, the proceeds arising from the sale of which bonds shall be placed in the city treasury to the credit of what shall be known as the "city hall improvement fund," and shall be used for the purpose of paying the cost and expense of repairing and improving the city hall of such city.

SECTION 2. The city council of such city, for the purpose of paying the interest on any and all bonds issued under the authority of this act, shall levy annually a tax upon all the taxable property in such city sufficient to pay said interest; and such city council shall also levy in addition, from time to time, a tax upon all the taxable property in such city sufficient to redeem and pay the bonds issued under the authority of this act, by their maturity.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
530L

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[House Bill No. 1019.]

## AN ACT

To divide Colerain township, Ross county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Colerain township, Ross county, Ohio, be and the same is hereby divided into two election precincts, as follows: All that part of said township lying within the following boundaries shall constitute one precinct, viz., beginning at the northeast corner of said township, thence west two and one-half miles to the half section line running north and south through sections 3, 10, 15, 22, 27 and 34, to the Harrison township line; thence east with said township line to the Hocking county line; thence north with said county line to the place of beginning, and shall be known as East Colerain precinct, and its voting place shall be fixed at Adelphi therein. All the balance of said township and lying west of said half section line shall constitute the other precinct, and shall be known as West Colerain precinct, and its voting place shall be fixed at Hallsville therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 531L

[House Bill No. 1048.]

## AN ACT

To authorize cities of the third grade of the first class to issue bonds for bridge purposes:

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the third grade of the first class, be and the same is hereby authorized and empowered, for the purpose of procuring funds for the construction of a bridge, right of way and approaches thereto and abutments therefor over and across any navigable stream running through any such municipality, to borrow a sum of money not exceeding two hundred thousand dollars, and to issue the bonds of such city therefor in denominations of not less than five hundred dollars nor more than one thousand each, payable in not less than twenty years nor more than thirty years from date of their issue, and bearing interest at a rate not to exceed four per cent. (4%) per annum, payable annually or semi-annually as such council may determine. Such bonds shall be designated, issued and sold in all respects in such manner as is now or hereafter may be prescribed by law.

SECTION 2. Before such bonds, or any portion thereof shall be issued by any such city, the question of their issue shall be submitted to a vote of the qualified electors of such city, at a general or municipal election held therein; at such election the ballots shall have written or printed thereon the words, "Authority to issue bridge bonds—Yes," and "Authority to issue bridge bonds—No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, such city shall have authority to issue such bonds for the purpose named as provided in this act.

SECTION 3. No such election shall be held in any municipality under the provisions of this act until there shall have been filed with the mayor thereof a petition in writing signed by not less than five per centum of the registered electors of such municipality as shown by the preceding registration requesting said mayor to issue a proclamation therefor, which petition shall be presented to said mayor not less than forty days preceding the election at which said question is presented.

SECTION 4. The mayor of such city, upon the receipt of any such petition shall at the next general or municipal election held in said municipality at not less than forty days after the receipt of any such petition cause public notice of the submission of said question to be published in all the newspapers published and of general circulation therein

at least thirty days prior to the election at which such question is submitted, and such election shall be held, proclamation thereof and return thereof made, in all respects not otherwise herein provided, as elections are now or hereafter may be required in such cities.

SECTION 5. No bonds shall be issued, nor shall any proceeds of any bonds issued under the provisions of this act be used, for the purpose of construction of any bridge, approach or abutment, or for purchasing any right-of-way for approach thereto over or across any navigable stream in any such municipality between the mouth thereof and any railroad bridge crossing said stream and located within the corporate limits of such municipality.

SECTION 6. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

532L

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[House Bill No. 1056.]

## AN ACT

To amend section 5 of an act entitled "An act to create a special road district in Seneca county," passed April 25, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5 of an act entitled "An act to create a special road district of Thompson township of Seneca county," passed April 25, 1891, be so amended as to read as follows:

Sec. 5. That the township trustees of said township are hereby authorized to improve and cause to be improved the roads in said township that are state or county roads, by causing the same to be opened up the full legal original width, drained, graded, scraped, leveled, macadamized, or stoned, and otherwise improved as may be necessary and proper and shall have authority for that purpose, each year to cause all necessary surveys and levels to be made and all necessary plans and specifications to be prepared, and shall each year at as early a day as may be after the April election and the qualifying of the trustees elected thereat, determine what road improvement they will make for that year, and where said improvements shall be commenced and prosecuted as to do the greatest general public good for the inhabitants of said township; and for the purpose of making the improvements hereby authorized, said township trustees including the tax for roads now authorized by law, are authorized to levy and assess annually a tax not to exceed two (2) mills on the dollar on all taxable property in said township, said levy to be made and certified the same as other township levies and the tax shall be collected and paid over the same as taxes in other cases; and all road taxes in said township shall be payable in money except as herein provided and when collected and received shall constitute the township road fund and shall be used wholly in making the improvements hereby authorized and in repairing the roads of said township and all money real

ized from such tax as well as all money realized from the poll tax shall be placed to the credit of such fund, provided that one-half of the road tax levied may be paid in labor to be performed at such place or places and times as the township trustees may direct from time to time in the repair of roads or in the making of said improvements and to be done under the direction and control of said road commissioners, and for that purpose his certificate to the extent of the labor actually performed not to exceed the amount of the tax that might lawfully be paid in labor shall have the same force and effect as the certificate of road supervisors in other cases; but laborers shall not be credited with more than \$1.50 each for a full day, and for a man and team there shall not be credited more than \$2.50 for a full day on said taxes.

SECTION 2. Said original section 5 is hereby repealed and this act shall be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1891.  
 533L

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[House Bill No. 1031.]

### AN ACT

To authorize the township trustees of Chester, Munson, Claridon and Huntsburg, Geauga county, to issue bonds and improve roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township trustees of any or all of the townships of Chester, Munson, Claridon and Huntsburg, Geauga county, are hereby authorized and required to issue the bonds of each of said townships respectively, to the amount of twenty-five thousand dollars each, for the purpose of permanent road improvements within and for said townships respectively. Such bonds when so duly issued shall not be sold or disposed of in any case for less than their par value, nor shall they bear interest exceeding five per cent. per annum, payable semi-annually, and they shall be payable, both principal and interest, in New York city. In order to provide for the payment of said interest, the township trustees of each of said townships are hereby authorized to levy a tax upon all the taxable property of each of said townships sufficient to pay the annual interest on said bonds. None of such bonds shall become due at a less period than ten years after date of issue, nor at a later period than twenty years after the date of issue; and all such bonds shall be known and named as road improvement bonds, and be issued and signed by the township trustees and countersigned by the township clerk. None of such bonds shall be sold except for cash or in payment of contracts entered into by the township trustees for the construction of a road or roads as hereinafter provided; and it shall be unlawful for the township trustees aforesaid to issue any bonds under the provisions of this act, until authorized thereto by a majority vote of the qualified electors of the township voting upon the question at a general or special election held therein; and such election shall be called and held in the usual way and at the usual places. All ballots voted upon said question at any

general or special election shall have written or printed thereon, those in favor of issuing the bonds, "For improvement of roads and issue of bonds—Yes;" those opposed, "For improvement of roads and issue of bonds—No."

SECTION 2. The said bonds and the proceeds of the same shall only be used for the permanent improvement of the roads of said township, by placing thereon an iron or steel track suitable for the passage of electric cars or cars propelled by any inanimate power, and said track shall be and remain a part of the public road and a part of the public property, the same as bridges or other road improvements, and shall be located and constructed as hereinafter provided.

SECTION 3. When said road improvements and issuing of bonds shall have been duly authorized by the votes of the electors of said township the said township trustees are authorized to call to their aid such engineering skill and legal assistance as they may deem necessary to make the proper estimates, plans, specifications and preliminary contracts for the construction of such a road as is provided for in the next preceding section; and they are authorized to select the route over which the track shall be laid; and should it be necessary, in order to shorten distances or avoid steep grades, said trustees are hereby authorized to divert the track from the existing highway either by changing the location of the same or by opening up a new road. Said trustees are hereby authorized to prepare plans and specifications for the construction of an iron or steel track located either in the roadbed itself or at either side so as not to disturb the roadbed, and may, in the exercise of their discretion, require the rails to be so made and laid that both cars and wagons can pass over the same track propelled by either horse power or inanimate power; or should they deem it more expedient, they may provide a track suitable only for the passage of cars or railroad-wagons propelled by inanimate power. And when the plans and specifications are formulated and agreed upon, it shall be the duty of the trustees to let the contract for the construction of said road according to said plans and specifications, to the lowest bidder, after advertising the same as is now provided for in the construction of county bridges. Provided, however, that they may receive bids for the work payable in bonds or in money, or partly in bonds and partly in money.

SECTION 4. When said road is completed, the township trustees are hereby authorized and empowered to fix a rate of toll of so much per car per mile, for each and every car passing over said road, and should the road be used exclusively by any one person or any one company, it shall be unlawful for said trustees to fix a rate of toll, the annual receipts of which would bring to the trustees more than five per cent. upon the bonds issued by authority of this act. In lieu of tolls per car per mile, they are authorized to fix an annual rental which in no case shall be more than five per cent. of the bonds issued as aforesaid, and the money so received shall be held as a sinking fund to redeem the bonds herein provided for, unless the trustees in their discretion should apply the said funds or a part thereof to the payment of the annual interest accruing upon said bonds; and if said interest is so paid, then the annual levy for interest as hereinbefore provided for may be omitted. At any time after the expiration of ten years the said trustees are authorized to levy an annual tax for a sinking fund sufficient to meet said bonds when they become due.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 534L

[House Bill No. 1079.]

### AN ACT

To authorize the transfer of a certain fund therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city treasurer of the city of Youngstown in Mahoning county, be and he is hereby authorized to transfer \$3,982.63 now in his hands belonging to the fire department building fund of the city of Youngstown to the fire department fund of said city, upon the request of the council of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 535L

[House Bill No. 1084.]

### AN ACT

To authorize the village of Bowling Green, Ohio, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village of Bowling Green, Ohio, be and it is hereby authorized to lay out, plat into lots and sell all that part of its park grounds lying east of a line extending Case avenue from Ridge street to Court street, at private or public sale, upon such terms and conditions as it may deem right and proper.

SECTION 2. The sales authorized by this act shall be made by the park commissioners of said village, subject to the direction and control of the council thereof, and shall be executed and attested on behalf of said village by the mayor and clerk thereof.

SECTION 3. The proceeds arising from such sales shall be placed in the park fund of said village, and shall be used for the improvement and embellishment of the remainder of said grounds for park purposes, and the payment of the expenses incident to such sales, and no other purpose.

SECTION 4. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Passed May 21, 1894.

530L

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[House Bill No. 1089.]

## AN ACT

Creating a special high school district, and authorizing a vote to borrow money to erect buildings in such district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the territory embraced within the limits of the incorporated village of Fayetteville, Brown county, Ohio, and all the territory adjacent thereto within 360 rods on the north, east and south thereof, and 240 rods on the west side thereof be and the same hereby is constituted a special high school district, to be known as the Fayetteville high school district.

SECTION 2. Said high school shall be managed and controlled by a board of directors composed of six members who shall be elected at the annual April election next after the passage of this act, and the two candidates at such election receiving the highest number of votes shall serve for the term of three years; the two receiving the next highest number of votes shall serve for the term of two years; and the two receiving the next highest number of votes shall serve for the term of one year; and, annually, thereafter there shall be elected in such district two directors to serve for the term of three years; and in the event of a tie at said first election among three or more candidates the length of time for which they shall respectively serve shall be determined by lot.

SECTION 3. Said directors shall prescribe the course of study to be pursued in said high school not inconsistent with the general school laws of Ohio, and adopt rules for admission thereto, and all youth within said district having the qualifications prescribed by said board shall be entitled to admission; and youths residing outside of said district may be admitted upon such terms as said board may adopt.

SECTION 4. That for the purpose of maintaining such school, and for paying of expenses incident thereto, said board is hereby authorized and empowered to levy, annually, a tax on all the taxable property within said district not exceeding one mill on the dollar, which shall be placed on the duplicate and collected as other taxes.

SECTION 5. Said board of directors are hereby authorized and empowered to contract for the erection of a building suitable for such school, and to pay for the same; they are also hereby authorized and empowered to issue bonds in a sum not exceeding five thousand dollars, in such denominations as may seem proper, to run not exceeding fifteen years and to bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and which bonds shall not be sold for less than par; provided, that said board shall not contract for the erection of such building, and issue said bonds until the question be first submitted to the qualified electors of said district at either a special or general election; and



at such election there shall be printed on the ballots in addition to the other requirements of law the words, "High school building and issue of bonds therefor—Yes;" "High school building and issue of bonds therefor—No." And it at such election the majority of those then voting favor the erection of such building and issue of such bonds then said board shall carry out the provisions of this act, and erect said building, and issue said bonds.

SECTION 6. In the event that said bonds are authorized to be issued as herein provided, said board is hereby authorized and empowered to levy annually on all the taxable property in said district a tax not exceeding one mill on the dollar, to be run and collected as other taxes, and to be used, exclusively, for paying said bonds and the interest accruing thereon.

SECTION 7. The laws of this state relating to common schools shall in all respects, not inconsistent with this act, govern said board.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
537L

[House Bill No. 648]

## AN ACT

To correct the accounts of the township treasurer of Batavia township, Clermont county, Ohio, by dropping therefrom the sum of twelve hundred and thirty-one dollars and fifty cents (\$1,231.50).

WHEREAS, In March, 1879, D. G. Dustin, township treasurer of Batavia township, Clermont county, defaulted in the sum of twelve hundred and thirty-one dollars and fifty cents. Five hundred and four dollars and seven cents (\$504.07) of which belonged to the school fund, and seven hundred and twenty-seven dollars and forty-three cents (\$727.43) to the township poor fund; and

WHEREAS, No part of such money could ever be recovered from said Dustin or his bondsmen, and the succeeding treasurers have been charged on the books with the above deficiencies; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the passage of a resolution by the township trustees of said township directing that the same be done, the township treasurer of said township and clerk of said township shall each correct his accounts of said funds by omitting therefrom said above sums.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
538L

[House Bill No. 721.]

## AN ACT

To amend section 2 of an act entitled "An act to provide for the reorganization of boards of education in city district, of the second grade of the first class," passed March 8, 1892.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of an act entitled "An act to provide for the reorganization of boards of education in city districts of the second grade of the first class," passed March 8, 1892, be and the same is hereby amended so as to read as follows:

Sec. 2. The legislative power and authority shall be vested in the school council, which shall consist of seven members, each of whom shall receive an annual salary of two hundred and sixty (\$260) dollars, payable monthly out of the contingent school funds of the district, to be elected by the qualified electors residing in such district, and which shall meet on each and every Monday night during the school year and on every first and third Monday of the month during vacation. No resolution levying a tax shall be adopted unless the resolution, together with the estimates on which the same is based, has been submitted to and approved by the board of tax commissioners in the city located in full or in part in such districts.

SECTION 2. That said section 2 of the act above recited be and the same is hereby repealed, and this act shall take effect on its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

539L

[House Bill No. 942.]

## AN ACT

Supplementary to an act entitled "An act to erect a statue or other suitable monument in commemoration of the public services of General William Henry Harrison, and to submit the question of levying a tax to defray the expenses of the construction of said monument to the qualified electors of Hamilton county, Ohio," passed and took effect March 21, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whereas, the levy heretofore authorized under the act to which this is supplementary failed to yield the amount contemplated in said act to be expended, and failed to yield an amount sufficient to construct and erect upon a suitable pedestal the statue in such act authorized to be constructed and erected, it is hereby enacted that to defray the expenses of constructing said pedestal and erecting said statue, the commissioners of Hamilton county are hereby authorized to levy and assess upon the grand duplicate of the taxable property of Hamilton county; one-thirtieth of one mill on the dollar in the year 1894.

SECTION 2. The commissioners appointed by the governor under the provisions of said act, shall draw the money from the treasury of Hamilton county, after the same is collected, from time to time, as it may be required to pay for the construction of said pedestal and erecting said statue, only on the order of the mayor of Cincinnati.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

540L

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[House Bill No. 972]

### AN ACT

To repeal an act entitled "An act to divide the township of Pulaski, in Williams county, Ohio, into two (2) election precincts," passed April 16, 1888, 85 Ohio laws, page 558.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "An act to divide the township of Pulaski in Williams county, Ohio, into two (2) election precincts," passed April 16, 1888, 85 Ohio laws, page 558, be and the same is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

541L

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[House Bill No. 979]

### AN ACT

To authorize the village of New Bremen, Auglaize county, Ohio, to issue bonds and sell the same, for the purchase and operation of an electric light plant therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of New Bremen, Auglaize county, Ohio, be, and is hereby authorized to purchase the electric light plant and the appurtenances thereto belonging, now located in said village, from the owners thereof, to operate said plant as its own and to issue and sell its bonds in any sum not exceeding ten thousand dollars (\$10,000) to pay and discharge the indebtedness incurred thereby.

SECTION 2. Said bonds shall be issued and sold as other bonds are issued and sold under existing laws for other public improvements. They shall bear date the day of issue; shall express upon their face the purpose for which issued and sold; the act of the general assembly of the state of Ohio by which said issue and sale are authorized; shall be in denomi-

inations of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000); shall be signed by the mayor and attested and registered by the village clerk the same as other bonds are now authorized by law for public improvements and said bonds in the discretion of the village council may have interest coupons attached.

SECTION 3. Said bonds shall not run for a time greater than ten (10) years from the date of their issue, and shall together with interest be made payable at such place or places as the said council may direct.

SECTION 4. Said bonds shall not draw interest at a rate exceeding six (6) per centum per annum, payable semi-annually. The money obtained from the sale of such bonds shall be paid to the treasurer of said village who shall hold and distribute the same under the orders of the village council.

SECTION 5. That before such bonds shall be issued the question of issuing the same, for the purpose of purchasing said plant, shall be submitted to the qualified electors of said village at a special election, called for that purpose, of which ten (10) days' notice shall be given in two (2) newspapers printed in and of general circulation in said village, one of which shall be in the English language and the other in the German language, designating the amount of bonds proposed to be issued and the purpose for which issued. Those voting in favor of the issue of said bonds and the purchase of said plant, shall have written or printed on their ballots the words, "Electric light plant—Yes," and those against the same, "Electric light plant—No;" and if two-thirds of all the votes cast at said election shall be in favor of issuing such bonds and purchasing said plant, then the council of said village shall have authority, at any time thereafter, to issue and sell said bonds and to purchase said plant as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
542L,

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[House Bill No. 1040.]

## AN ACT

To authorize any city of the first grade of the first class to pay for certain work.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any city of the first grade of the first class has constructed or shall construct any sewer in part along any of its highways, and in view of a proposed surface improvement of the highway simultaneously with the sewer improvement, the authorities of such city deemed or shall deem it advisable to place such sewer partly above the existing grade or level of the highway, and also to construct a portion of the same through any enclosure or property of any kind belonging to a private

SECTION 2. The commissioners appointed by the governor under the provisions of said act, shall draw the money from the treasury of Hamilton county, after the same is collected, from time to time, as it may be required to pay for the construction of said pedestal and erecting said statue, only on the order of the mayor of Cincinnati.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

THOMAS H. MCCONICA,

*President pro tem. of the Senate*

Passed May 21, 1894.

540L

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[House Bill No 972.]

### AN ACT

To repeal an act entitled "An act to divide the township of Pulaski, in Williams county, Ohio, into two (2) election precincts," passed April 16, 1888, 85 Ohio laws, page 558.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio:* That the act entitled "An act to divide the township of Pulaski in Williams county, Ohio, into two (2) election precincts," passed April 16, 1888, 85 Ohio laws, page 558, be and the same is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives*

THOMAS H. MCCONICA,

*President pro tem. of the Senate*

Passed May 21, 1894.

541L

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[House Bill No. 979]

### AN ACT

To authorize the village of New Bremen, Auglaize county, Ohio, to issue bonds and sell the same, for the purchase and operation of an electric light plant therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio:* That the council of the incorporated village of New Bremen, Auglaize county, Ohio, be, and is hereby authorized to purchase the electric light plant and the appurtenances thereto belonging, now located in said village, from the owners thereof, to operate said plant as its own and to issue and sell its bonds in any sum not exceeding ten thousand dollars (\$10,000) to pay and discharge the indebtedness incurred thereby.

SECTION 2. Said bonds shall be issued and sold as other bonds are issued and sold under existing laws for other public improvements. They shall bear date the day of issue; shall express upon their face the purpose for which issued and sold; the act of the general assembly of the state of Ohio by which said issue and sale are authorized; shall be in denomi-

inations of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000); shall be signed by the mayor and attested and registered by the village clerk the same as other bonds are now authorized by law for public improvements and said bonds in the discretion of the village council may have interest coupons attached.

SECTION 3. Said bonds shall not run for a time greater than ten (10) years from the date of their issue, and shall together with interest be made payable at such place or places as the said council may direct.

SECTION 4. Said bonds shall not draw interest at a rate exceeding six (6) per centum per annum, payable semi-annually. The money obtained from the sale of such bonds shall be paid to the treasurer of said village who shall hold and distribute the same under the orders of the village council.

SECTION 5. That before such bonds shall be issued the question of issuing the same, for the purpose of purchasing said plant, shall be submitted to the qualified electors of said village at a special election, called for that purpose, of which ten (10) days' notice shall be given in two (2) newspapers printed in and of general circulation in said village, one of which shall be in the English language and the other in the German language, designating the amount of bonds proposed to be issued and the purpose for which issued. Those voting in favor of the issue of said bonds and the purchase of said plant, shall have written or printed on their ballots the words, "Electric light plant—Yes," and those against the same, "Electric light plant—No;" and if two-thirds of all the votes cast at said election shall be in favor of issuing such bonds and purchasing said plant, then the council of said village shall have authority, at any time thereafter, to issue and sell said bonds and to purchase said plant as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
542L

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[House Bill No. 1040.]

## AN ACT

To authorize any city of the first grade of the first class to pay for certain work.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any city of the first grade of the first class has constructed or shall construct any sewer in part along any of its highways, and in view of a proposed surface improvement of the highway simultaneously with the sewer improvement, the authorities of such city deemed or shall deem it advisable to place such sewer partly above the existing grade or level of the highway, and also to construct a portion of the same through any enclosure or property of any kind belonging to a private

company or person; and where upon beginning the sewer improvement it was or shall be discovered that delay in the proposed surface improvement must occur in consequence of claims made by abutting owners along the highway for damages on account of change of grade involved in such surface improvement, and that damages may be incurred in consequence of passing a portion of the sewer through such enclosure or private property; and in order to avoid obstructing public travel along the highway pending litigation upon the claims so made by property-holders, and to avoid any possible claims for so passing the sewer through such enclosure or private property, supplemental contracts have been or shall be made between such city or any of its administrative bodies and the original contractor, without advertising for bids, for lowering the sewer below the existing level of the highway and avoid passing the sewer through such enclosure or private property, whereby the original estimate of the city authorities as to the cost of such work or the bid of the contractor therefor under the original contract has been or shall be exceeded, then and in every such case if such supplemental contracts and work have been or shall be honestly entered into and faithfully performed and such city has received or shall receive the benefits of the contractor's expenditure of labor and money therefor, such city is hereby authorized and empowered to pay the contract price or prices therefor, with interest, in addition to all that was or shall be due and owing upon the original contract. And in order to authorize and make such payment it shall be necessary only for the board of administration of such city, if there be such board and if not then the board performing the city's administrative duties, to adopt a resolution ordering such payment; whereupon the auditor of such city shall draw his warrant and the treasurer shall pay the same out of any moneys of such city not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

543L,

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[House Bill No. 1041.]

### AN ACT

To amend sections 1 and 2 of an act entitled "An act to promote higher education in counties containing cities of the first grade of the first class," passed March 22, 1894.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1 and 2 of an act entitled "An act to promote higher education in counties containing cities of the first grade of the first class," passed March 22, 1894, be amended so as to read as follows:

Sec. 1. That hereafter all bona fide residents of that portion of any county containing a city of the first grade of the first class not within the corporate limits of such city, and not within any school district which

maintains a high school with a four years' course of study of similar character to the high schools of such city shall be admitted into and receive instruction in any such high school of such city or school district on the same terms and conditions as to tuition fees and otherwise, as are now or may hereafter be prescribed for pupils of such schools residing within such city, or school district.

Sec. 2. The board of education or other proper board of such city or school district shall, after this act shall have been in force one year, and annually thereafter, make an estimate of the additional funds required for the maintenance of such high school under the provisions of this act, and certify such estimate to the commissioners of the respective county, who, in addition to their other powers of taxation, are hereby authorized and directed to assess and levy upon all the taxable property of such portion of said county not within the corporate limits of such city, and not within the limits of any such school district maintaining such a high school, a sufficient tax annually to provide such additional funds; provided, that nothing in this act shall be so construed as to render nugatory the stipulations under which any bequest, devise, donation or endowment has heretofore been made or given, for the support and maintenance of any such high school.

SECTION 2. That sections 1 and 2 of an act entitled "An act to promote higher education in counties containing cities of the first grade of the first class," passed March 22, 1894, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1904.

544L

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[House Bill No. 1053.]

## AN ACT

To authorize the board of education of Monroe township school district, Preble county, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Monroe township school district, in Preble county, be and is hereby authorized to issue bonds in any sum not exceeding two thousand two hundred dollars (\$2,200) for the purpose of erecting and furnishing a school building in said district.

SECTION 2. Said bonds to be signed by the president and clerk of said board of education and to be in sums of not less than one hundred dollars nor more than five hundred dollars each; bearing interest at a rate not exceeding seven per cent. per annum, said interest to be paid semi-annually. The principal and interest of said bonds to be payable as said board of education may direct not exceeding two years, and provided, that said bonds shall not be sold for less than their par value.



SECTION 3. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

545L

[House Bill No. 1068].

## AN ACT

To establish "a court of insolvency" in counties containing a city of the first grade of the first class, and for the relief of the probate court in such counties.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is established in any county of this state, containing any city of the first grade of the first class, a court of record, which shall be styled "the court of insolvency." It shall consist of one judge, who shall be elected by the electors of such county.

SECTION 2. The first election for such judge shall be held on the first Tuesday after the second Monday in November, A. D. 1894, and shall be conducted in the same manner and governed by the same laws that are now in force or may hereafter be enacted regulating the election of judges in this state. His term of office shall commence on the ninth day of February, A. D. 1895, and shall continue for the term of five years, and a successor shall be elected on the first Tuesday after the second Monday in November, A. D. 1899, and every five years thereafter. And in case the office of any judge shall become vacant before the expiration of the regular term for which he shall have been elected, the vacancy shall be filled by appointment of the governor, until the office shall be filled by a successor duly elected and qualified. And in case a successor shall not have been previously elected, such successor shall be elected on the first Tuesday after the second Monday in November that next occurs more than thirty days after the vacancy shall have happened.

SECTION 3. That said judge when elected shall give a like bond and be qualified, and shall receive the same compensation and be paid in like manner as the judge of the probate court of said county wherein such courts of insolvency are established. The bond of said judge shall be in the sum of five thousand (\$5,000) dollars, and shall be approved by the commissioners of said county and deposited with the county treasurer thereof.

SECTION 4. The said court shall have a seal to be provided by the secretary of state at the expense of the state of Ohio, having the same device as the seal of the probate court, except that there shall be around the margin thereof the words, "Court of Insolvency, \_\_\_\_\_ County," instead of the words, "Probate Court, \_\_\_\_\_ County." The process of said court of insolvency shall have the seal affixed and shall be attested and directed, served and returned and be in form as is or may be provided for the process of the probate court varying only in the style of the court and to conform as far as may be necessary to its terms.

**SECTION 5.** Sheriffs, coroners and constables shall be bound to attend said court, preserve order, and execute the return of its process as they are required to do in the probate court, and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers and the mode of proceeding against them, or either of them, for any neglect of official duty, allowing fees and providing for the collection thereof in the probate court, shall be held and deemed to extend to said court of insolvency, unless the same are, or shall be, plainly inapplicable.

**SECTION 6.** The said court of insolvency shall be held at the courthouse of the county wherein such court is established, and the board of county commissioners of such county are hereby directed to make all necessary provisions for the holding of said court.

**SECTION 7.** Each judge shall have the care and custody of all files, papers, books and records belonging to the court of insolvency, and is authorized and empowered to perform all duties as clerk of his own court, and each judge may appoint a deputy clerk or clerks, each of whom shall, before entering upon the duties of his appointment, take an oath of office; and when so qualified, each deputy may perform any and all the duties pertaining to the office of clerk of the court, and each deputy clerk is authorized to administer oaths in all cases in which it is necessary in the discharge of his duties as such deputy clerk. Each judge of said court may take such security from his deputy as he deems necessary to secure the faithful performance of the duties of his appointment.

**SECTION 8.** The terms of said court shall be considered as three terms of four months each, beginning on the first day of January of each year. The judge of said court may dispense with any term of said court, adjourn the same on any day previous to the expiration of the term for which the same may be held, and also from any one day in the term over to any other day in the same term, if in his opinion the business of the court will admit thereof.

**SECTION 9.** The said court of insolvency shall have original jurisdiction in all cases, matters and things relating to and arising under the laws now in force or hereafter enacted regulating the mode of administering assignments in trust for the benefit of creditors, and shall in every respect have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties as are now or may hereafter be enforced or enjoined by the constitution and laws of the state, upon the judge of the probate court; and the judge of the probate court of the county wherein such court of insolvency is established, is hereby authorized to transfer to the court of insolvency any and all cases now pending in such probate court, arising under the act or acts now in force regulating the mode of administering assignments in trust for the benefit of creditors; the same to be there proceeded in as if the same had been originally commenced in said court, having regard to the former proceedings therein, and the costs before accrued in the final record as may be right and proper. And when such cause is transferred from the probate court as aforesaid, the clerk of the probate court shall enter such transfer on his docket and from thenceforth the said cause shall not be considered in said court. And all laws now in force or that may be hereafter enacted, regulating the mode and manner of proceeding in such cases by the probate court, shall be held and deemed to extend to the said court of insolvency.

SECTION 10. Whenever in the opinion of the judge of the probate court of the county wherein such court of insolvency is established, the business of the probate court shall require the same, said judge of the probate court is hereby authorized to certify and transfer unto the court of insolvency any other case or cases, now or hereafter pending in said probate court, which said case or cases shall thenceforth be considered in said court of insolvency and be there proceeded in as if the same had been originally commenced in that court, having regard to the former proceedings and the costs before accrued in the final record, as may be right and proper; and when such case is removed from the probate court as aforesaid, the clerk of said probate court shall enter such removal on his docket and from thenceforth the said case shall not be considered in that court, and all laws now in force or hereafter enacted, regulating the mode and manner of procedure in such cases by the probate court, shall be held and deemed to extend to said court of insolvency, unless the same are, or shall be, plainly inapplicable.

SECTION 11. The said court of insolvency shall have the same power to vacate and modify its own judgments or orders during or after the term, as is or may be vested by law in the probate court, and shall also have full power to make rules and regulations for practice therein to appoint masters and referees and other officers necessary to facilitate its business; to direct as to the mode of proceeding by or before said officers and to tax costs.

SECTION 12. All laws now in force or which may hereafter be enacted, conferring powers, authority and jurisdiction in cases and proceedings upon the probate court of any county, in which said court of insolvency is established, giving them power to hear and determine cases and to preserve order and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to said court of insolvency as fully as they extend to the probate court, unless the same be inconsistent with this act or plainly inapplicable.

SECTION 13. All laws now or hereafter enacted regulating the mode and manner of appeals and error from any judgment, order or decree rendered by the probate court, shall be held and deemed to extend to said court of insolvency.

SECTION 14. That in case of the absence or disability of the judge of the probate court of the county wherein such court of insolvency is established, the said court may be held by the judge of the court of insolvency of the county wherein such court is established.

SECTION 15. That in case of the absence or disability of the judge of the court of insolvency, the said court may be held by the judge of the probate court wherein such court of insolvency is established.

SECTION 16. All laws now in force or hereafter enacted, regulating the fees of the probate court and the mode and manner of making out, filing and recording an itemized account of all fees received by the probate court, shall be held and deemed to be applicable to said court of insolvency.

SECTION 17. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 546L

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[House Bill No. 791.]

### AN ACT

To provide for the membership of councils in cities of the first grade of the second class.

[COLUMBUS]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the councils in cities of the first grade of the second class shall consist of one member from each ward into which the territory of the city may be divided. Each member shall be a resident of the ward from which he is elected, and a change of residence of such member from such ward shall vacate the office of such member. The vacancy in the membership of such councils may be filled in the manner prescribed by law. Each member shall take the oath of office and shall hold his office for the term of two years, and until his successor shall be elected and qualified.

SECTION 2. This act shall take effect and be in force on and after April 1, 1895.

ALEX. BOXWELL,  
*Speaker of the House of Representatives*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate*

Passed May 21, 1894.  
 547L

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[House Bill No. 1033.]

### AN ACT

To authorize the city of Piqua to borrow money and issue bonds for the same to pay for paving and sewerage Main street in said city, and to contract for such improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city of Piqua, in Miami county, in said state, is hereby authorized to borrow any sum of money not in excess of \$150,000 for the purposes hereinafter mentioned, and to issue its bonds for the payment of the same, which bonds shall be signed by the mayor and clerk of said city, shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, principal and interest to be payable at such place as the council of said city may direct, and which bonds shall have interest coupons attached, and of which bonds one-tenth in

amount shall be redeemable in one year from their date, and one-tenth redeemable respectively in two, three, four, five, six, seven, eight, nine and ten years after their date. Such bonds shall be in such amounts and denominations as council may direct, and shall be sold at such times, and in such amounts, as in the opinion of said council will best carry out the purpose for which the same are issued, provided that none of such bonds shall be sold or disposed of for less than their par value, with accrued interest to the date of sale or disposal.

SECTION 2. Said bonds or their proceeds shall be used for the purpose of paying the expense of paving Main, Wayne and Downing streets in said city from their northern termini to Sycamore street, including the public square to the east side of Wayne street, and for purpose also of building a sewer upon said part of said streets above mentioned (including the expense of preparing and advertising said bonds, and the other necessary incidental expenses attending said improvement) and for no other purpose.

SECTION 3. No more of said bonds shall be issued than shall be necessary to procure sufficient money to pay the expense of making such improvement above mentioned.

SECTION 4. The council of said city is hereby authorized and empowered to proceed, as early as it deems proper to contract for such paving and sewerage, and it shall not be necessary for the money to pay for the same to be in the treasury of said city before said contract is made, nor for the clerk of said city to [so] certify before that time.

SECTION 5. The cost of such paving and sewerage upon all alley, street and highway intersections, and upon the public square, and one-fiftieth (1-50) of the remaining cost shall be paid by general taxation upon all the taxable property in said city, and said council is authorized and required annually after said bonds are issued to levy a tax upon all the taxable property in said city, sufficient to provide for the payment of said bonds and interest as the same respectively mature, which tax levy shall be certified by the clerk of said city to the auditor of Miami county, and collected as other taxes are, and which may be in addition to the other taxation authorized by law in said city.

SECTION 6. All the cost of said paving and sewerage except as mentioned in the preceding section shall be assessed by said council upon the real estate bounding and abutting upon said street within the limits herein mentioned, which assessment shall be by the front foot against and upon said abutting property, and shall be a lien upon the same, as other taxes are, and shall be paid in the same manner and at the same time as other taxes, and shall be divided into twenty semi-annual instalments so as to provide for the payment of said bonds and the interest thereon as the same respectively mature, which assessment shall be certified by the clerk of said city, to the auditor of said county, and placed upon the tax duplicate and collected as other taxes and assessments are. The proceeds of said tax and assessments shall be placed in a separate fund, to be known as "the Main, Wayne and Downing street improvement fund," and used for no other purpose than as herein specified.

SECTION 7. The council may, at its discretion, use said bonds in payment of the contractors for such improvement, without advertising

the same for sale, provided that none of such bonds shall be so disposed of for less than their par value and accrued interest.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
548L

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[House Bill No. 1085.]

### AN ACT

To authorize the trustees of the township of Perrysburg, and the council of the incorporated village of Perrysburg, in Wood county, Ohio, to unite in the erection of a soldiers' monument, and levy a tax therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Perrysburg township and the council of the incorporated village of Perrysburg, both in Wood county, Ohio, may unite in the purchase of a site, if one is not donated, and erection thereon of a soldiers' monument, in said village.

SECTION 2. That the cost of said monument and site for same, shall not exceed \$1,500 and shall be borne by said township and village in proportion to the property of each on the tax duplicate for taxation.

SECTION 3. That for the purpose of raising said sum of \$1,500 the trustees of said township and council of said village are respectively authorized to levy such tax on all the taxable property in said township and village respectively as shall be required to pay the proportionate share of each thereof, and make proper returns of such levies to the auditor of said Wood county, to be placed by him on the tax duplicates of said township and village respectively and collected as other taxes, and said levies shall be made at such rates as will realize said sum of \$1,500 in two annual levies.

SECTION 4. The question of levying said taxes shall first be submitted to a vote of the qualified electors of said township and village at a special election to be held prior to June 15, 1894, at the usual place of holding elections in said township, notice of which election shall be given by the trustees of said township and mayor of said village respectively, by causing to be posted in five separate public places in said township and village and by publication in a newspaper of general circulation in said township and village, notice of said election for at least ten days before such election shall be held, and at such election the ballots to be voted shall have written or printed thereon the words "Tax for soldiers' monument—Yes;" or "Tax for soldiers' monument—No;" and if a majority of those voting at said election shall vote in favor of said proposition to levy said tax, it shall be the duty of said trustees to certify that fact to the council of said village, and said trustees and council respectively are required to make such levies and certify the same to the auditor of Wood county as provided in section 3 of this act.

SECTION 5. Within thirty days after the result of said election shall be known, if the result be in favor of levying said tax, said council shall appoint two residents of said village, and said trustees shall appoint two residents of said township outside of said village, all freeholders, as a committee, who shall serve without compensation, and whose duty it shall be:

*First*—To select a site for said monument.

*Second*—To select a design for same, and

*Third*—To superintend the erection and construction of said monument, and said committee shall have full control of said monument funds, and be fully authorized to receive the same when collected and paid over to the treasurer of said township and village respectively, and said committee shall before entering upon the discharge of their duties make and execute to the trustees of said Perrysburg township, and said village of Perrysburg, each, a bond in the sum of \$3,000 with security satisfactory to said trustees and the council of said village respectively, to secure the proper performance and fulfillment of the duties thus imposed upon them by said appointments.

SECTION 6. That upon the completion of said monument, said committee shall make a full report to each, said trustees and said council rendering a full account of all their doings in connection with the erection of said monument.

SECTION 7. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
549L

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[House Bill No. 1086.]

## AN ACT

To authorize the county commissioners of Marion county to levy an additional tax for the Guthrie and Inbody free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Marion county, be and are hereby authorized to levy an additional tax within the Guthrie and Inbody free turnpike road district, not to exceed ten (10) mills in any one year, for the period of five (5) years, a sufficient amount to meet the bonds given for the construction of the said Guthrie and Inbody free turnpike road, together with the interest, as they become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
550L

[House Bill No. 1087.]

## AN ACT

To authorize the county commissioners of Marion county to levy an additional tax for the LaRue and Milton free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Marion county, be and are hereby authorized to levy an additional tax within the LaRue and Milton free turnpike road district, not to exceed ten (10) mills in any one year, or a period of five (5) years, a sufficient amount to meet the bonds given or the construction of the said LaRue and Milton free turnpike road, together with the interest, as they become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
551L

[House Bill No. 1088.]

## AN ACT

To authorize the city of Salem, Ohio, to issue bonds for the purpose of purchasing a system of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Salem, in the county of Columbiana, and state of Ohio, be and is hereby authorized and empowered to issue the bonds of said city in any sum actually needed for the purpose, but in no case exceeding one hundred and thirty-five thousand dollars, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to be of such denomination, and payable at such times and place, as the said council shall by ordinance prescribe, and which bonds shall not be sold for less than their par value in cash. The proceeds of said bonds shall be used for the purpose of purchasing the lands, buildings, stand-pipe, pipe system, and all other property, rights, privileges and franchises, of any water company now doing business in said city of Salem, and for acquiring any other property or rights that may, in the opinion of said council, be necessary for the full and satisfactory operation of said water-works. The said bonds shall be executed as provided by law, and shall be sold after advertisement as required by law, unless in the opinion of said council it is advisable to deliver said bonds to the party or parties, firm or corporation from whom said water-works are purchased, in payment of the same, in which case the said advertisement and sale of said bonds shall be dispensed with, but in no case shall said bonds be sold or accepted in purchase of said works for less than their par value.

SECTION 2. If any bonds of said city are issued as hereinbefore provided, it shall be the duty of the council of said city annually thereafter, until said bonds and the interest thereon are fully paid, to assess



and levy a tax on all the taxable property of the corporation sufficient to provide for the payment of said bonds as they fall due, with interest accruing thereon. All earnings from said water-works after deducting current expenses, and providing for necessary improvements shall be paid into the sinking fund and used for the extinguishment of said indebtedness.

SECTION 3. Before said bonds are issued, the council of said city shall submit the proposition to issue said bonds and to purchase said water-works system, to the electors of said city at a special election to be held for such purpose, at such time as the council shall determine by resolution, notice of which shall be given by the mayor of said city, stating the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election; in a newspaper of general circulation in said city; and the form of the ballot to be used at such election shall be as follows: Those in favor of the purchase of said water-works, and the issuing of said bonds, shall have written or printed on their ballots, "Purchase of water-works—Yes." Those opposed to the purchase of water-works and the issuing of said bonds, shall have written or printed on their ballots, "Purchase of water-works—No." The poll-book of said election, and the returns thereon shall be made to the city clerk, who shall present them to the council, and the result shall be declared and entered upon the minutes of said council; and if it shall appear that the majority of ballots cast at such election were in favor of the purchase of water-works and the issuing of bonds, then the council shall proceed to negotiate for the purchase of said water-works, and any additional rights and property that may be necessary for the satisfactory operation of the same. And if the council shall succeed in arranging terms for the purchase of said water-works system which in the opinion of said council are satisfactory for the best interests of said city, then such amount of bonds as may be necessary for the purchase of said works shall be issued, and either sold as above provided for or delivered to the party or parties, firm or corporation from whom said water-works shall be purchased, and the said council shall have full power and authority to do whatever acts may be necessary to fully complete the purchase of, and acquire title to said water-works system, and such other rights and property as may be necessary; but no more of said bonds shall be issued than shall be necessary for the purchase of said water-works, and to successfully put into operation said water-works system. But if terms of purchase, satisfactory to said council, cannot be made, then no further proceedings shall be had under this act.

SECTION 4. The council of said city shall have full power and authority, through its water-works committee or otherwise, to arrange for the management and operation of said water-works from the time of the purchase of the same until the next annual municipal election after the purchase of said system, at which election a board of three trustees to be known as the trustees of the water-works, shall be elected by the electors of the corporation, one of whom shall be chosen for one year, one for two years and one for three years, and thereafter one of said trustees shall be elected annually, to hold office for the term of three years, as provided by law; and when said board of trustees have been duly elected and qualified, they shall take charge and control of said water-works, and shall thereafter be subject to all the provisions of chapter

or first, division eighth, of the Revised Statutes of Ohio, relating to water-works.

SECTION 5. For the purpose of carrying out the provisions of this act the council shall not be restricted in its proceedings by the provisions of section 1691 and section 2702 of the Revised Statutes of Ohio.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
552L

[House Bill No. 1090.]

### AN ACT

To authorize the trustees of Miami township, Clermont county, to issue bonds to anticipate the tax authorized by section 1472 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Miami township, Clermont county, desiring to purchase or appropriate additional cemetery grounds under section 1472 of the Revised Statutes, be and they are hereby authorized to anticipate the tax therein authorized to be levied, by issuing the bonds of the township for the amount required, such bonds of the township to bear interest at a rate not exceeding six per centum per annum, payable semi-annually, to run not exceeding five years, and sell the same at not less than par, which bonds and interest shall be paid as they become due out of the receipt of taxes so authorized.

SECTION 2. This act shall take effect on its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
553L

[House Bill No. 523.]

### AN ACT

To require the county commissioners in counties containing certain cities to provide a depository for the county funds, and for other purposes.

[MAHONING AND SUMMIT COUNTIES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties which contain or may contain cities, excepting cities of the second class, third grade "a," which, according to the federal census of 1890 had, or which according to any subsequent federal census shall have not less than twenty-seven thousand and not more than thirty-

four thousand inhabitants, it shall be the duty of the county commissioners of such counties to designate, in the manner hereinafter provided, banks situate in the counties and duly incorporated under the laws of this state or of the United States, as depositaries of the moneys of the counties.

SECTION 2. The county commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in two newspapers published and of general circulation in the county, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest at not less than two per centum per annum, that will be paid for the use of money of the county, as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal be accepted.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the same manner aforesaid.

SECTION 4. No such award shall be binding on any such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, or until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners for the use of the county, in such sum as the commissioners may direct, which, in counties within the provisions of this act and containing a city of the third grade of the second class, shall not be less than three hundred thousand dollars, and such undertaking shall be signed by not less than six resident freeholders as sureties, to the satisfaction of the commissioners, and conditioned for the receipt, safe-keeping, and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposals; and the undertaking shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of the money of the county.

SECTION 5. Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form and conformable to the provisions of this act, which certificate shall be indorsed thereon by the prosecuting attorney, and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners, or fail to hypothecate the bonds as provided in section seven, within three days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank, but if the written proposal of no other bank offers the same rate of interest they may award such use to any bank whose written proposal offers the next highest rate of interest

therefor, the undertaking or hypothecation of bonds required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid.

**SECTION 6.** The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking provided for herein, become the depository of the money of the county, and remain such until the undertaking of its successor is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank in such sum as they shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom forthwith, and may designate some other bank to be the depository thereof temporarily, at such rate of interest, or without interest, as they may determine. Such removal, and all other removals under the provisions of this act, shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant, and the county treasurer his check, for the removal. If the money, in case of such removal, be deposited in a bank designated as a depository temporarily, such bank shall, before the receipt by it of any such money, enter into an undertaking or hypothecation of the bonds as required by this act; but if no bank be so designated, the money shall be disposed of as provided in section eight.

**SECTION 7.** The commissioners of any such county may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid, interest-bearing bonds of the county, or the city in which the depository is located, or bonds of the United States, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bonds shall be the property of the county in case of any default on the part of the bank in its capacity as depository as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe-keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

**SECTION 8.** If at any time, for any cause, the commissioners be unable to secure a depository as provided by preceding sections, the money of the county shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depository, and its removal be ordered, it shall be removed to the county treasury, in the manner provided in section six for the removals, and in either case the treasurer shall be the custodian thereof until such time as a depository is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the auditor,

which in such case shall not be in duplicate; and during such time he shall keep such books, and make to the auditor such statements of receipt and payments, as are required in case the money of the county is in the custody of a depository designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depository.

SECTION 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depository has been selected in pursuance of the provisions of this act, and naming the bank selected as such depository, deposit, to the credit of the county, all money in his possession, except as provided in section fourteen, in the bank constituted the depository as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depository all money received by him the preceding business day, except as provided in section fourteen, and the commissioners may designate the hour of closing a business day, making a record thereof, and the treasurer shall observe the same, and such money shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the money of the county is in the custody of the treasurer), shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it may judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order, and the same shall be made a matter of record in the proceedings of the board of commissioners, directing such an assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with the depository shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. The depository shall notify the auditor, in writing, before noon of each business day, of the amount of deposits made by the treasurer for the preceding business day, and when the interest is credited to the county the depository shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

SECTION 10. Each business day the treasurer shall make to the auditor a sworn statement, showing for the preceding business day the total amount of money received by him, the total amount deposited in the depository, the total amount paid by check on the depository, the total

amount paid out in cash, the balance in the depository and the balance in the treasury; and he shall keep such accounts, in books to be provided for that purpose, as shall enable him to make such statements. All money paid to the treasurer, except for taxes and except also money received from the state treasury, shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each duplicate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury the triplicate warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provided for, and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall, at the close of each business day, file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

SECTION 11. The auditor shall keep in his office books in which shall be entered the daily receipts of the treasurer's office, as shown by the duplicate receipts returned to him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in the depository, as shown by the daily statements of the depository to the auditor, and the amount remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all the money, as shown by the treasurer's daily statements received by him; and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled "the undivided tax account," and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of warrants issued by him each day to the treasurer; and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes, and the balance of money received from the state treasury, and on account of school lands, each day, in his hands and in the hands of the depository respectively.

SECTION 12. Upon the receipt each day by the auditor of the sworn statement provided for in section ten, he shall certify thereon to its correctness, if, upon comparison with his books, it be found to be correct, and shall file such statement in his office; but if any such statement be found by the auditor at any time to be incorrect he shall forthwith give notice thereof to the treasurer, and unless the discrepancy be immediately discovered and corrected, he shall notify the commissioners thereof without delay.

SECTION 13. Except as provided in sections eight and fourteen, the treasurer shall not pay out any money otherwise than by check on the depository, as provided in section nine. But before he issues a check in payment of any draft made upon him by the auditor of state, in favor of the treasurer of state, he shall exhibit such draft to the county auditor, and file with him a certified copy thereof, and the auditor shall thereupon issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and before he remits to the treasurer

of state any money on account of school lands he shall notify the auditor in writing of his readiness to do so, and of the amount, and the auditor shall file such notice, and issue his warrant authorizing the treasurer to draw his check upon the depository for the amount; but if the money for such payments be in the custody of the treasurer, instead of a depository, the same proceedings shall be had, except that the warrants of the auditor shall authorize the payments otherwise than by such checks.

SECTION 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of the receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon the depository for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

SECTION 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also the balance of money in the depository, the balance in the treasury, in pursuance of section fourteen, and, if the money of the county be in custody of the treasurer, instead of a depository, the total balance thereof in the treasury, as shown by the reports filed with him, and the commissioners shall place such statement on file and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank acting as the county depository, shall file with the county commissioners all checks of the county paid and redeemed by the bank during the previous month; and the commissioners shall compare such checks with the records of the auditor's office, and if they find the same to correspond therewith, they shall give the bank a receipt for the same, and shall forthwith cancel and file such checks in the office of the county auditor, who shall receipt to the county treasurer for the same, as is provided in section one thousand one hundred and eleven of the Revised Statutes.

SECTION 16. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties covered by its provisions, except that they shall not be held liable for any loss of money deposited by them in depositories as provided for herein while such money is in the custody of such depositories.

SECTION 17. An officer of any such county who wilfully violates any provisions of this act, or wilfully neglects or refuses to perform any duty thereby imposed upon him, shall, upon conviction thereof in the court of common pleas, be fined in any sum not exceeding ten thousand dollars, for the use of the county, or be imprisoned in the penitentiary not more than ten years nor less than one year, or both, at the discretion of the court.

SECTION 18. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise, in counties to which this act relates.

SECTION 19. This act shall take effect on the first day of September, one thousand eight hundred and ninety-four.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
 554L

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[House Bill No. 825.]

### AN ACT

Creating special road districts and providing for the construction, improvement and repair of public highways therein.

[DEFIANCE AND PAULDING COUNTIES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any county which by the last federal census had or which at any subsequent federal census may have a population of not less than twenty-five thousand five hundred, nor more than twenty-six thousand, shall be and constitute a special road district.

SECTION 2. The board of county commissioners of any county constituting a special road district as aforesaid, may, annually, at the regular quarterly meeting of the board in June, levy for road purposes not to exceed three mills on the dollar upon all the taxable property within such county, in addition to the taxes authorized to be levied for road and bridge purposes under section 2824 of the Revised Statutes.

SECTION 3. Two-fifths of all the taxes levied upon property within any municipality shall, when collected, be paid to the treasurer of such municipality, to be expended under the orders and directions of the council of such municipality upon the streets thereof, and three-fifths of all the taxes levied upon the property within all municipalities, and all other taxes levied and collected under the provisions of this act, shall be credited to a fund to be known as "special district road fund," and shall be expended under the direction of the board of county commissioners in building, improving and repairing the public roads and highways of such special road district, as provided in this act; provided, however, no part of such special district road fund shall be used in building, improving or repairing any public road, street or highway within a municipality having a population of more than one thousand.

SECTION 4. The board of county commissioners of any county constituting a special road district as aforesaid, may anticipate any of the taxes to be levied and collected, under the provisions of this act, for such special district road fund for any period not exceeding twenty years, and may borrow the amount of money so anticipated, less accruing interest thereon, and issue and sell the bonds of such county therefor, running for such length of time as the same may be so anticipated.



SECTION 5. Whenever the board of county commissioners of any such county shall pass a resolution, and cause the same to be entered on their journal declaring it necessary to build or improve any certain road or roads, or part or parts thereof, within such special road district, specifying in such resolution the road or roads, or part or parts thereof, to be built or improved, and the probable cost thereof, such board may, after giving not less than thirty days' notice of the same by publication in a newspaper of general circulation in such county, sell the bonds of such county for the whole or any part of the probable cost of such improvement, running for such length of time not to exceed twenty years as aforesaid, and at such rate of interest not exceeding six per cent. per annum, and payable at such place as the board of commissioners may determine; but no such bond or bonds shall be sold for less than their par value; provided, however, the board of county commissioners in any county constituting a special road district as aforesaid may at any time anticipate any tax to be levied under the provisions of this act to an amount not exceeding the sum of five thousand dollars and issue certificates of indebtedness therefor running for not to exceed one year at a rate of interest not exceeding six per cent. per annum, but such certificate of indebtedness shall not be sold for less than the par value thereof and not more than ten thousand dollars of such certificates shall be outstanding at any time. And whenever it shall be deemed necessary to issue any such certificate or certificates of indebtedness the commissioners shall not be required to advertise for the sale thereof nor to specify any particular road or roads for the improvement of which such certificates are issued, and payable at such place as the board of commissioners may determine; but no such bond or bonds shall be sold for less than their par value.

SECTION 6. All bonds issued and sold under the provisions of this act shall be signed by the president of the board of county commissioners, and countersigned by the county auditor, and the county auditor shall keep a record of all such bonds issued and sold, showing the date of sale, the amount, rate of interest, times of payment, to whom sold, place of payment, the road or roads, or part or parts thereof, for the improvement of which such bonds were sold, and all such other data and information as the board of commissioners may direct, which record shall be open to the public inspection and the taxpayers of such special road district during all business hours.

SECTION 7. The power of the board of county commissioners to build or improve the roads within any such special road district, and to levy taxes and anticipate the same thereof as hereinbefore provided, shall be deemed to include the power to provide and furnish the necessary material therefor, either within or without such special road district, and to provide any machinery or tools which may be required for any of the objects of this act; provided, however, that when the board of commissioners shall desire to purchase any such material, or to purchase any such tools or machinery, it shall be sufficient in the resolution declaring the necessity of such expenditure to state generally the probable cost thereof, and that the taxes sought to be anticipated are to be used for either or any of the purposes above specified.

SECTION 8. All contracts for the building and improvement of any road or roads, or part or parts thereof, and all contracts for the furnishing or preparation of any material or materials, or for the trans-

portation thereof requiring an expenditure of more than five hundred dollars, shall be let at public outcry by the board of county commissioners to the lowest responsible bidder, after giving at least three weeks' notice thereof by publication in two newspapers of opposite politics, and of general circulation within such special road district.

SECTION 9. All contracts for road work, or for materials furnished under the provisions of this act, shall be in writing, and all contractors shall be required to give bond with one or more sureties thereon, in such sum not exceeding one-half the contract price, as the board of commissioners may fix, conditioned for the faithful performance of the contract according to its terms.

SECTION 10. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.

555L

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[House Bill No. 1674.]

## AN ACT

Supplementary to an act entitled "An act to regulate the construction, enlargement, changes in and conduct and management of water-works in cities having a population exceeding eight thousand and not exceeding ten thousand, and to authorize the issue of bonds in connection therewith," passed March 2d, 1882 (Ohio Laws, vol. 79, page 15).

[FREMONT.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, fourth grade, in which water-works have been wholly or partially constructed, and in which a board of trustees has been elected therefor, and in which bonds have heretofore been issued under the authority of the act above recited, is hereby authorized and empowered to extend or enlarge said water-works, procure an additional or more suitable supply of water, build additional reservoirs and conduits and procure land therefor; and the city council of any such city for the purpose of any such extension or enlargement, procuring of such water supply, building of any such reservoirs or conduits and procuring land therefor, is hereby authorized to issue the bonds of the city, not exceeding in the aggregate thirty thousand (\$30,000) dollars, in addition to the amount authorized to be issued by the act to which this act is supplementary. The bonds herein authorized to be issued may run any length of time not exceeding thirty years at a rate of interest not exceeding six per cent. per annum, payable semi-annually, to be issued and sold according to law; the proceeds thereof to be applied to defray the costs and expenses of the said extension or enlargement, procuring of such water supply, building of reservoirs and conduits and procuring land therefor, and for no other purpose whatever. The city council of any such city exercising the powers

herein conferred shall be subject to all the provisions of the act to which this act is supplemental, except as otherwise herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
556L

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[ House Bill No. 1075. ]

### AN ACT

For the relief of Orlando M. Hatch, of Swanton township, Lucas county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lucas county, Ohio, are hereby authorized and directed to settle and adjust with said Orlando M. Hatch any and all damages for injury to his son, to his team, and any and all damages to him in any other manner, resulting from the falling of a certain county bridge within said county, and failure to promptly repair or rebuild the same, or construct a temporary bridge in lieu thereof, and to pay to said Orlando M. Hatch in full for all said claim, out of the bridge fund of said county; provided, however, that the total amount to be so allowed and paid in full for all said claims, shall not exceed one hundred and seventy-five dollars (\$175).

SECTION 2. That this act shall take effect on its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
557L

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[ House Bill No. 1076. ]

### AN ACT

To amend section 10 of an act entitled "An act to create a depository commission in all cities of the third grade of the first class, and to establish a depository for the funds of such cities, and for other purposes," passed April 13, 1888 (8035—145, S. & B., Revised Statutes).

[ TOLEDO. ]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 10, of an act entitled "An act to create a depository commission in all cities of the third grade of the first class and to establish a depository for the funds of such cities, and for other purposes," passed April 13, 1888, be and the same is hereby amended so as to read as follows:

Sec. 10. It shall be the duty of every board, officer, agent and employe of each city of the grade and class aforesaid, having money in their hands belonging to the city, to deposit such money with the city treasurer upon the taking effect of this act, and thereafter such boards, (except the board of cemetery trustees, the board of workhouse directors, the board of trustees of the Toledo university, the board of health, and the board of trustees of the public library), officers, agents and employes, as receive money on account of the city, shall deposit with such treasurer daily, all money so received by them, but the board of cemetery trustees, the board of workhouse directors, the board of trustees of the Toledo university, the board of health, and the board of trustees of the public library, shall make such deposits weekly.

SECTION 2. Said section 10 is hereby repealed; and this act shall take effect thirty days after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 558L

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[House Bill No. 1078.]

## AN ACT

To authorize certain villages to borrow a sum not exceeding thirty thousand (\$30,000) dollars, to pay existing indebtedness, and to issue bonds therefor.

[ELMWOOD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village which contained at the last federal census, or which shall hereafter contain at any other federal census, a population of not less than one thousand nine hundred and eighty and not more than two thousand one hundred, in counties containing a city or cities of the first grade of the first class, be and said council is hereby authorized to borrow a sum of money not exceeding thirty thousand (\$30,000) dollars, at a rate of interest not to exceed six (6) per centum, payable semi-annually, to pay existing indebtedness, and to meet deficiencies in street and sidewalk assessments.

SECTION 2. Said bonds shall not be issued by said council until the question shall have been first submitted to a vote of the qualified electors of said village, at a general or special election of which not less than ten days' notice shall be given by proclamation and publication by the mayor of said village, and at said election all those desiring to vote for the issue of said bonds, shall have written or printed on their ballots the words "Issue of deficiency bonds—Yes;" and all desiring to vote against the issue of said bonds shall have written or printed on their ballots the words "Issue of deficiency bonds—No." And if a majority of said votes cast at said election be in favor of the issue of such bonds then the council may proceed as authorized by this act and not otherwise.

SECTION 3. Provided, that if the authority to issue said bonds be ratified by the electors of said village as provided in section two of this

act, said bonds shall be sold in such denominations and payable at such time or times within twenty years from the date of issue as council may determine.

SECTION 4. Said council shall annually thereafter cause the necessary taxes to be levied not exceeding two mills in any one year in addition to those now authorized by law to pay the principal and interest on said bonds, as the same shall become due in the manner already provided by law for the levying and collecting of taxes for municipal purposes.

SECTION 5. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
559L

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[House Bill No. 1080.]

### AN ACT

To authorize the cities of the second grade of the second class, to issue park improvement bonds for the purpose therein specified.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the second grade of the second class, it shall be lawful for the board of city affairs of said city to issue bonds thereof entitled park improvement bonds, in the sum of seventy-five thousand dollars (\$75,000), to be sold according to law, the money arising from the sale of such bonds to be paid into the city treasury of such city and placed to the credit of the park improvement fund, and to be expended in the purchase of a public park for said city and in the improvement of same. Said bonds shall be of such denomination as the board of city affairs of such city may deem best, in any sum not in excess of the amount therein before named and for a length of time not exceeding twenty years, and at a rate of interest not exceeding five per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, and the proceeds thereof, together with such premiums as may be derived therefrom, shall be applied to the purposes hereinbefore mentioned. Said bonds shall be signed by the president of the board of city affairs and the city comptroller of said city, and be sealed with the seal of said city comptroller. Before such bonds shall be issued there shall be submitted to the vote of the people of such city the question of a park at a general or special election as the board of city affairs of such city shall determine. The ballots shall read, "For park—Yes;" "For park—No," and it shall require a majority of all votes cast at said election in reference to said park matters to be for "Park—Yes," before said bonds can be issued.

SECTION 2. The city council of any such city is hereby authorized to levy annually upon all the taxable property in such city a tax sufficient in rate and amount for the redemption of said bonds as the same fall due and the payment of the interest thereon, until said bonds and the interest thereon are paid and said bonds redeemed, and such levy shall be

additional in rate and amount to the taxes now authorized by law, to be levied for any or all other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
•  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
560L

[House Bill No. 1081.]

### AN ACT

To authorize boards of education in cities of the second grade of the second class to levy a tax for certain purposes therein specified.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That boards of education in cities of the second grade of the second class may annually, and are hereby authorized to levy on each dollar valuation of the taxable property of said cities two-tenths ( $\frac{2}{10}$ ) of one mill in addition to the levy authorized for other purposes, the proceeds of such levy to be used for the purpose of providing for and maintaining manual and domestic training schools for the children of said cities.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
561L

[House Bill No. 1092.]

### AN ACT

To authorize cities of the fourth grade, second class, to levy an additional tax for street improvement purposes.

[WELLSVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the fourth grade, second class, which at the last federal census had a population of not less than 5,200 nor more than 5,275, is hereby authorized to levy a tax each year on all of the taxable property of the said city in addition to that now authorized by law an amount sufficient to pay the interest on any outstanding street improvement bonds, and to redeem the same as they may become due.

SECTION 2. This act shall take effect and be in force on and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 562L

[House Bill No. 1095.]

### AN ACT

To authorize the council of the incorporated village of Winchester, Preble county, to borrow money and issue bonds therefor [for] to build sidewalks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Winchester, Preble county, be and is hereby authorized to borrow for the purpose of building sidewalks in said village an amount not exceeding two thousand dollars and to issue bonds therefor.

SECTION 2. Said bonds shall be signed by the mayor and attested by the clerk of said village and to be of such denomination as the council may determine not less than one hundred dollars nor more than five hundred dollars, said bonds to bear interest at a rate not exceeding seven per cent. per annum and to be paid annually and not to be sold for less than par value, principal and interest to be paid at a term the council may determine and deem expedient for best interest of said village.

SECTION 3. Before said bonds shall be issued the council of said incorporated village shall submit said proposition to issue the same to the electors of said village at a general or special election after giving ten days' notice by printed or written notices put up in five of the most conspicuous places of said village, and if a majority of electors of said village voting on the said proposition shall declare in favor of issuing said bonds then and not otherwise said council may issue and sell the same. Those favoring the issue shall have printed or written on the ticket, "Issue bonds—Yes;" those opposed, "Issue bonds—No."

SECTION 4. The council of said village shall levy upon all the taxable property thereof such rate of taxation as may be necessary in addition to the taxes now authorized by law to provide for the payment of all accruing interest on any such bonds and for the redemption thereof as the same may mature and become due and payable.

SECTION 5. This act to take effect and be in force from and after its passage.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Passed May 21, 1894.  
 563L

[House Bill No. 1097.]

## AN ACT

To authorize the common council of the incorporated village of Sylvania to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Sylvania, in the county of Lucas, is authorized to transfer the sum of one hundred dollars from the general fund of said village to the school fund.

SECTION 2. That this act shall take effect on its passage.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.  
564L,

[Senate Bill No. 350.]

## AN ACT

To repeal an act entitled "An act to provide a license on certain trades, business and professions carried on in cities of the first grade of the second class, and to provide for the enforcement and collection of fines and penalties for carrying on said business, trade or profession without license, and for other purposes," passed March 14, 1893, as amended April 13, 1893.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to provide a license on certain trades, business and professions carried on in cities of the first grade of the second class, and to provide for the enforcement and collection of fines and penalties for carrying on said business, trade or profession without license, and for other purposes," passed March 14, 1893, as amended April 13, 1893, be and the same is hereby repealed.

SECTION 2. This act to take effect on and after its passage.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Passed May 21, 1894.  
565L,

[Senate Bill No. 410.]

## AN ACT

To authorize the city of Cleveland to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Cleveland be and it hereby is



authorized to transfer the sum of twenty-five thousand dollars (\$25,000) from the interest fund and to place the same to the credit of a fund to be known as the "street extension fund," which fund shall be used for the purpose of extending such street or streets as the council and the board of control may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
ANDREW L. HARRIS,  
*President of the Senate.*

Passed May 21, 1894.  
566L,

## JOINT RESOLUTIONS.

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[Senate Joint Resolution No. 1.]

### JOINT RESOLUTION

Relative to appointing committee to wait upon the governor.

*Resolved*, That a committee of three on the part of the senate and five on the part of the house, be appointed to wait upon the governor and inform him that the general assembly is now in session, and ready to receive any communication which he may see fit to transmit.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 10, 1894.

1

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[Senate Joint Resolution No. 3.]

### JOINT RESOLUTION

Relative to counting votes for certain state officials.

*Be it resolved by the General Assembly of the State of Ohio*, That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the statutes on Wednesday, January 3rd, 1894, at 3:30 o'clock P. M., in the hall of the house of representatives to witness the opening, publishing and declaring of the result of the returns of the votes cast for governor, lieutenant-governor, treasurer of state and attorney-general, at the election held on the first Tuesday after the first Monday of November, 1893.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 10, 1894.

2

[House Joint Resolution No. 2.]

## JOINT RESOLUTION

Providing for the appointment of a committee to make arrangements for the inauguration of the governor-elect.

*Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and five on the part of the house of representatives be appointed to make such arrangements as may be necessary for the inauguration of the governor-elect on Monday, January 8th instant.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 10, 1894.

8

[Senate Joint Resolution No. 8.]

## JOINT RESOLUTION

Relative to the distribution of the "Ohio statesmen and hundred year book," and rescinding H. J. R. No. 16, adopted March 22, 1892.

*Be it resolved by the General Assembly of the State of Ohio, That the two thousand copies of W. A. Taylor's "Ohio statesmen and hundred year book," yet remaining with the secretary of state, be distributed as follows: To each senator and representative of the 71st general assembly fourteen (14) copies. That house joint resolution No. 16, adopted March 22, 1892 (O. L. vol. 89, page 702), is rescinded.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Adopted January 12, 1894.

4

[House Joint Resolution No. 4.]

## JOINT RESOLUTION

Instructing the senators and requesting the representatives from this state in the U. S. congress, to use all honorable means to defeat the reduction of tariff on wool and woolens, etc., as is now proposed by the pending Wilson bill.

*Resolved by the General Assembly of the State of Ohio, That our senators in congress be and are hereby instructed and our representatives requested to use all honorable means by voice and vote to defeat the reduction of tariff on wool, woolens and all other interests now protected by law, as proposed by the Wilson tariff bill now pending.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

T. H. McCONICA,  
*President pro tem. of the Senate.*

Adopted January 16, 1894.

5

[Senate Joint Resolution No. 4.]

## JOINT RESOLUTION

Relative to the appointment of a joint committee to prepare and report joint rules for the two houses.

*Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate and three on the part of the house be appointed to prepare and report joint rules for the two houses.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 17, 1894.

6

[House Joint Resolution No. 7.]

## JOINT RESOLUTION

Requesting and urging our senators and representatives in congress to use their influence with the pension department to secure a speedy completion of pension papers and claims of deserving soldiers, etc.

*Resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress from this state are hereby requested and urged to use their influence with the pension department to secure a speedy completion of all pension papers and claims of all deserving soldiers in said department to the end that they may not longer be deprived in their declining years and suffering condition of the slight pittance provided by law on account of services rendered their country in its greatest peril; also to urge the reinstatement of all Ohio soldiers unlawfully dropped from the pension rolls recently.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 17, 1894.

7

[House Joint Resolution No. 9.]

## JOINT RESOLUTION

Relative to printing additional copies of H. B. No. 33.

*Resolved by the General Assembly of the State of Ohio, That there be printed 500 additional copies of H. B. No. 33.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted January 17, 1894.

8

[House Joint Resolution No. 10.]

## JOINT RESOLUTION

Authorizing and requiring the superintendent of the Cleveland asylum for the insane to receive Mrs. Anna Poor as an inmate.

WHEREAS, Mrs. Anna Poor, of Ashtabula county, Ohio, was on September of last year adjudged insane by the probate court of said county, and

WHEREAS, Under the statutes now in force in the state of Ohio the said Anna Poor is ineligible to admission to any insane asylum of this state for the reason that she is not a legal resident; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Cleveland asylum for the insane be and he is hereby authorized and required to receive the said Anna Poor as an inmate of said asylum.*

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted January 17, 1894.

9

[House Joint Resolution No. 12.]

## JOINT RESOLUTION

Directing the clerk of the senate and the clerk of house to have printed and bound 2,000 copies of the list of officers, members and committees of the senate and house.

*Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and the clerk of the house, are hereby directed to have printed and bound 2,000 copies of the list of officers, members and committees of the senate and house of representatives, 500 copies for the use of the senate and 1,500 copies for the use of the house of representatives.*

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted January 17, 1894.

10

[House Joint Resolution No. 19.]

## JOINT RESOLUTION

Relative to the bronze tablet commemorating the settlement of the northwest territory at Marietta, Ohio, April 7, 1788.

*Be it resolved by the General Assembly of the State of Ohio, That the bronze tablet commemorating the first settlement of the northwest*

territory at Marietta, Ohio, April 7th, 1788, which was placed in the entrance of the Ohio building at Chicago, Illinois, and is now in this state house, be given to the keeping of the Woman's Columbian association, of Marietta, Ohio.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Adopted February 7, 1894.

11

[House Joint Resolution No. 22.]

### JOINT RESOLUTION

Directing the clerk of the senate and clerk of the house to have printed 5,000 copies of the list of members, officers and standing committees of the general assembly.

*Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and the clerk of the house are hereby directed to have printed and bound 5,000 copies of the list of members, officers and standing committees of the senate and house of representatives, 1,500 copies for the use of the senate and 3,500 copies for the use of the house of representatives.*

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
 T. H. McCONICA,  
*President pro tem. of the Senate.*

Adopted February 7, 1894.

12

[House Joint Resolution No. 11.]

### JOINT RESOLUTION

Authorizing the commissioner of railroads and telegraphs to have printed 15,000 additional railroad maps.

*Be it resolved by the General Assembly of the State of Ohio, That in addition to the railroad maps of Ohio, authorized to be printed by section 68 of the Revised Statutes, the commissioner of railroads and telegraphs be and he is hereby authorized to have printed and mounted fifteen thousand additional maps, twelve thousand to be printed on cloth-paper and mounted with hangers of tin or wood, and three thousand to be printed on cloth-paper and bound in book form; and that contract for the same be let to the lowest bidder, bids to be solicited by the commissioner from at least five of the leading firms in Ohio who do such work. The same to be paid for out of the printing fund. Provided further, that these additional maps shall be distributed by the commissioner of railroads and telegraphs as follows: To each member of the seventy-first general*

assembly seventy-five copies of the cloth-hanger mounted, and fifteen copies of the pocket edition.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted February 18, 1894.

13

[House Joint Resolution No. 20.]

### JOINT RESOLUTION

Relative to the appointment of a joint committee to obtain estimates of the cost of an electric light plant sufficient to light the state house and grounds.

WHEREAS, The expense of lighting the state house and grounds is increasing year by year, and in the opinion of many it would be in the line of economy for the state to own its plant; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That a joint committee of three (3) on the part of the house, and of three on the part of the senate, be appointed to obtain estimates of the cost of an electric light plant sufficient to furnish light for the state house and grounds, also the practicability and cost of establishing at the Ohio penitentiary a plant sufficient for the lighting of the buildings and grounds of the state house and other state institutions in and near the city of Columbus, and report the result of their investigation to the general assembly before the 15th day of March, 1894. Said committee is hereby authorized to incur an expenditure of not more than one hundred and fifty dollars.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted February 27, 1894.

14

[Senate Joint Resolution No. 5.]

### JOINT RESOLUTION

Relating to biennial sessions.

*Resolved by the General Assembly of the State of Ohio,* That its present session shall be ended by adjournment without day.

ALEX. BOXWELL,

*Speaker of the House of Representatives*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted March 14, 1894.

15

[House Joint Resolution No. 17.]

## JOINT RESOLUTION

Authorizing the adjutant-general to purchase three flags for the use on the capitol building.

*Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be and hereby is authorized to purchase whatever flags may be necessary for use on the capitol building until January, 1896, at price not to exceed twenty-five dollars each, to be paid for out of any money in the state treasury to the credit of the general revenue fund and not otherwise appropriated.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
T. H. McCONICA,  
*President pro tem. of the Senate.*

Adopted March 28, 1894.

16

[Senate Joint Resolution No. 20.]

## JOINT RESOLUTION

Authorizing and requiring the superintendent and trustees of the Columbus state hospital to receive William Rodi as a patient.

WHEREAS, William Rodi, an inhabitant of the state of Ohio for one year last past and who has been by his honor, Charles W. Seward, a judge of the probate court in and for Licking county, Ohio, adjudged insane, and that said insanity has occurred during the time that said William Rodi has resided in the state of Ohio. The court has further found that the said William Rodi is a dangerous person to be at large for the safety of the community, and that he is a fit subject to be sent to the hospital to undergo treatment therein; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the superintendent and trustees of the Columbus state hospital be and are hereby authorized and required to receive said William Rodi as an inmate of said institution.*

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Adopted April 13, 1894.

17

[House Joint Resolution No. 34.]

## JOINT RESOLUTION

Authorizing the superintendent and trustees of the asylum for the blind to admit William Current as an inmate into said institution.

WHEREAS, William Current, a young man age nineteen, who is blind and is now being cared for at the colored orphan asylum in Avondale, Hamilton county, Ohio, is not, under the statutes of Ohio,



eligible to admission as an inmate into the institution for the blind at Columbus, and cannot be properly cared for and educated at the colored orphan asylum in Avondale; therefore,

*Resolved by the General Assembly of the State of Ohio, That the superintendent and trustees of the institution for the blind, be and are hereby authorized to receive said William Current as an inmate of said institution, and care for and educate him, as are residents of the state admitted as such inmates.*

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted April 17, 1894.  
18

[Senate Joint Resolution No. 16.]

### JOINT RESOLUTION

Providing for the purchase of portrait of ex-governor Campbell.

*Be it resolved by the General Assembly of the State of Ohio, That the state purchase of Albert C. Fanley the portrait of ex-governor Campbell, to be hung in the governor's office in the capitol, the cost not to exceed \$500.*

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

THOMAS H. MCCONICA,  
*President pro tem. of the Senate.*

Adopted April 25, 1894.  
19

[House Joint Resolution No. 38.]

### JOINT RESOLUTION

Authorizing and empowering the trustees of the Cleveland state hospital to convey certain land to the city of Cleveland for purposes herein named.

WHEREAS, The track of the Cleveland and Pittsburg railway company occupies a large portion of the street on the northerly front of the grounds of the Cleveland state hospital, making it dangerous for travel and

WHEREAS, It will improve, and be of advantage to the lands of the said Cleveland state hospital to have said street (Broadway) widened along the said front; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the trustees of the Cleveland state hospital be and are hereby authorized and empowered for such consideration as they may deem best, to convey to the city of Cleveland for the purposes of widening said street known as Broadway, so much of the land of the Cleveland state hospital as is contained in the following description:*

Beginning at a point in the southerly line of Broadway at its intersection with the westerly line of Woodland Hills avenue produced; hence southerly about one hundred and forty feet (140) to a stone monument about thirty (30) feet distant from the centre of the easterly gate-post of the main entrance to the hospital grounds nearly opposite Woodland Hills avenue; said thirty feet being measured at right angles to the fence line running easterly from said gate-post, thence easterly from said stone monument nine hundred and thirty-five (935) feet to a point on the southerly line of Broadway, thence westerly along the southerly line of said Broadway to the place of beginning, said strip of land to become a part of the public highway and to be used for the purpose of widening Broadway.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Adopted May 1, 1894.  
20

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[House Joint Resolution No. 45.]

### JOINT RESOLUTION

Authorizing the governor to appoint two commissioners to represent this state at the international exposition to be held at Antwerp, Belgium.

WHEREAS, There is to be held at Antwerp, Belgium, an international exposition under the auspices of the Belgian government, at which there will be a display of the progress of workmanship and genius of all nations; and

WHEREAS, Said government was largely and creditably represented at the World's Columbian exposition held in this country; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That the governor be and he is hereby authorized to appoint two commissioners from the citizens of Ohio to represent this state at said exposition, provided however, that said appointments and representation shall not involve any expense to the state.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*  
THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Adopted May 1, 1894.  
21

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[Senate Joint Resolution No. 11.]

### JOINT RESOLUTION

Authorizing the secretary of state to purchase plates, etc., of Howe's "historical collections of Ohio," together with unbound sets of said work.

WHEREAS, Henry Howe devoted the labor of a lifetime to exhaustive research, study and investigation of the history of Ohio, and has gathered and preserved much valuable historical information that would otherwise have been lost; and

WHEREAS, Such work as that done by Henry Howe is of great value to the people, and is usually done at the expense of the state; the people of Ohio are greatly indebted to him, and his widow should not be permitted to suffer hardship and privation by reason of the publication of "historical collections of Ohio;" and

WHEREAS, Said work with all rights and title in the same is now offered to the state of Ohio at about half the cost of its production, and as said work should be owned by the state that it may be preserved for the benefit of present and future generations; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be and is hereby authorized to purchase of Mrs. Howe widow of the late Henry Howe, the copyright, the electrotype plates, engravings, and all other apparatus used in the manufacture of Howe's "historical collections of Ohio," centennial edition, together with and including three hundred unbound sets of said work at a price not to exceed twenty thousand dollars; said purchase shall include all right and title to said work; said electrotype plates, engravings and other apparatus shall be delivered to the secretary of state to be cared for and preserved and used for printing such copies as may be directed by the general assembly of the state of Ohio.*

*Resolved, further, That the said three hundred sets of said work shall be bound under the direction of the supervisor of public printing, to be distributed to each member of the seventy-first general assembly, two sets to each member; the remaining sets to be delivered to the state librarian for distribution to libraries, schools, and other public institutions and for exchanges for the Ohio state library.*

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted May 9, 1894.

22

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[House Joint Resolution No. 35.]

### JOINT RESOLUTION

Authorizing the committee on public buildings and lands to provide a consultation room for the second division of the supreme court.

WHEREAS, The general assembly of the state of Ohio, by an act passed April 15, 1892, increased the number of judges of the supreme court to six, for the express purpose of dividing said court into two divisions for more expeditious administration of justice; and

WHEREAS, Said supreme court has been unable to comply with said act, for the reason that no consultation room has been provided for the use of the second division of said court and the object and purpose of said act has not been realized; therefore,

*Be it resolved by the General Assembly of the State of Ohio, That the committee on public buildings and lands of the house and committee on state buildings of the senate, be and they are hereby instructed to provide a consultation room for the use of the second division of the supreme court; and be it further*

*Resolved*, That the cost and expense of fitting up said consultation room, be paid out of the treasury of the state from any fund therein not otherwise appropriated, not to exceed two hundred and fifty dollars.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted May 10, 1894.

23

[House Joint Resolution No. 32.]

### JOINT RESOLUTION

Directing the clerk of the senate and the clerk of the house to have printed 2,500 copies of the "manual of legislative practice in the general assembly of Ohio," for the years 1894—1895.

*Be it resolved by the General Assembly of the State of Ohio*, That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed upon number 1 book paper of suitable weight and bound twenty-five hundred copies of the "manual of legislative practice in" the general assembly of Ohio," for the years 1894—1895, six hundred copies for the use of the senate and nineteen hundred copies for the use of the house of representatives.

LEONIDAS H. SOUTHARD,  
*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,  
*President of the Senate.*

Adopted May 14, 1894.

24

[House Joint Resolution No. 29.]

### JOINT RESOLUTION

Fixing the time for adjournment of the present session of the general assembly.

*Be it resolved by the General Assembly of the State of Ohio*; That the 71st general assembly of Ohio adjourn sine die, at 12 o'clock noon, Monday, May 21, 1894.

ALEX. BOXWELL,  
*Speaker of the House of Representatives.*

THOMAS H. McCONICA,  
*President pro tem. of the Senate.*

Adopted May 16, 1894.

25

[House Joint Resolution No. 23.]

### JOINT RESOLUTION

Authorizing the superintendent of the Columbus state hospital to admit into said institution Frank Ernst as an inmate to the same.

WHEREAS, Frank Ernst, a native and for many years a resident of Hamilton county, Ohio, became insane while residing at some place unknown in the state of Washington, and

WHEREAS, Under the laws of the state of Ohio he can not now be admitted to any state hospital therein, and

WHEREAS, All his near relatives are now residents of Ohio and his former residence justly entitles said patient to the protection of the institutions of the state;

*Be it resolved by the General Assembly of the State of Ohio,* That the superintendent of the Columbus state hospital be and hereby is authorized and required to admit said Frank Ernst to said hospital as an inmate of the same.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Adopted May 16, 1894.

26

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[House Joint Resolution No. 47.]

JOINT RESOLUTION

Asking for the adoption of the joint rules of the 70th general assembly for the government of the 71st general assembly.

*Resolved by the General Assembly of the State of Ohio,* That the joint rules of the 70th general assembly be adopted for the government of the 71st general assembly.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Adopted May 16, 1894.

27

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[House Joint Resolution No. 40.]

JOINT RESOLUTION

Authorizing and instructing the adjutant-general to purchase certain relics for the state now belonging to legal representatives of Andrew Diehl, deceased.

WHEREAS, There are now in the relic-room of the state-house at Columbus, Ohio, certain relics belonging to the legal representatives of Andrew Diehl, deceased; and

WHEREAS, Said relics are classified as Johnstown flood relics, battle of Gettysburg relics, and miscellaneous relics; and

WHEREAS, Said relics are of such kind that it would be impossible to replace them and are of much value to the state; now, therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general of the state of Ohio, be and is hereby authorized and instructed to purchase said relics of said owners for the use of the state of Ohio, at a cost not to exceed five hundred dollars.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted May 19, 1894.

28

[Senate Joint Resolution No. 24.]

## JOINT RESOLUTION

Relative to pensions of soldiers of the union army.

*Be it resolved by the General Assembly of the State of Ohio,* That soldiers of the union army during the recent rebellion who received an honorable discharge are, in the interest of justice, patriotism and humanity, entitled to a service pension of \$8.00 per month during their natural lives; provided, that where persons are receiving a pension for injuries or other disabilities received in the army service which is more than \$8.00 per month, they shall not receive a service pension in addition to the pension for injury or other disabilities, and that persons receiving a pension for injuries or other disabilities incurred in the army service of a less sum than \$8.00 per month may relinquish the same and receive a service pension of \$8.00 per month during their natural lives.

*Resolved,* That a copy of the foregoing resolution be certified by the secretary of state, under the seal of the state of Ohio, and sent to the senators and representatives in congress, from Ohio, and that they be requested to procure if possible, the passage of a bill to carry out the provisions of the foregoing resolutions.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted May 21, 1894.

29

[Senate Joint Resolution No. 25.]

## JOINT RESOLUTION

Relative to appointing a committee to wait upon the governor.

*Be it resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the house and three on the part of the senate be appointed to call upon the governor and inform him that the 71st general assembly is now ready to adjourn sine die.

ALEX. BOXWELL,

*Speaker of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted May 21, 1894.

30

[House Joint Resolution No. 46.]

## JOINT RESOLUTION

Directing the supervisor of public printing to have printed and bound in cloth the annual report of the bureau of building and loan associations for 1894 and 1895.

*Be it resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be and is hereby directed to cause to be printed and bound in cloth the annual report of the bureau of building and loan associations for 1894 and 1895, as follows:

For the inspector, 2,000 copies.

For each member of the general assembly, 10 copies.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Adopted May 21, 1894.

31

[House Joint Resolution No. 48.]

### JOINT RESOLUTION

Authorizing the adjutant-general to loan to the Fort Defiance centennial association such number of tents on the 7th, 8th and 9th of August, 1894, as will not then be required by the state.

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general be and he hereby is authorized to loan to the Fort Defiance centennial association such number of tents not then required by the state as said association may desire for use by said association during the celebration at the city of Defiance, August 7th, 8th and 9th, 1894, of the one hundredth anniversary of the occupancy of Fort Defiance by General Anthony Wayne. The adjutant-general may require of said association such security for the return of any such tents so loaned as may be satisfactory.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

THOMAS H. McCONICA,

*President pro tem. of the Senate.*

Adopted May 21, 1894.

32

[House Joint Resolution No. 49.]

### JOINT RESOLUTION

Relative to the admission of Frank Hollister into the Athens state hospital.

WHEREAS, Frank Hollister, formerly a citizen of this state, but for more than two years last past a resident of Kansas, having returned to this state, has been adjudged insane by the probate court of Washington county, Ohio, and by order of said court is now confined in the infirmary of said county being by reason of said non-residence not entitled to admission into any of the state hospitals of the state of Ohio; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That the superintendent of the Athens state hospital be and he hereby is authorized and required to admit said Frank Hollister to said hospital for treatment, and the probate judge of said county of Washington is directed to issue his order for the removal of said Frank Hollister to said Athens state hospital.

LEONIDAS H. SOUTHARD,

*Speaker pro tem. of the House of Representatives.*

ANDREW L. HARRIS,

*President of the Senate.*

Adopted May 21, 1894.

33

STATE OF OHIO,  
OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said State, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-first general assembly of the State of Ohio, at its regular session, begun January 1, 1894, and ended May 21, 1894, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 18th day of June, A. D. 1894.

SAMUEL M. TAYLOR,  
*Secretary of State.*

[SEAL]



**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1894.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts. Subdivisions.	Common Pleas Courts
Adams.....	West Union .....	4	April 4, Nov. 15.	5 1	Jan. 16, April 10, Oct. 2
Allen.....	Lima.....	3	April 3, Nov. 13.	3 1	Feb. 5, May 7, Nov. 7
Ashland.....	Ashland.....	5	April 24, Nov. 13	6 2	Mar. 5, Sept. 3, Dec. 3
Ashtabula.....	Jefferson .....	7	Feb. 27, Sept. 4.	9 3	Jan. 8, Mar. 12, Oct. 2
Athens.....	Athens.....	4	Jan. 24, Oct. 1...	7 3	Feb. 6, May 1, Oct. 16
Auglaize.....	Wapakoneta.....	3	April 17, Nov. 27	3 1	Jan. 8, April 9, Sept. 16
Belmont.....	St. Clairsville.....	7	June 19, Dec. 11.	8 2	Feb. 5, April 24, Oct. 2
Brown.....	Georgetown.....	4	April 9, Nov. 19.	5 1	Jan. 16, May 1, Oct. 23
Butler.....	Hamilton.....	1	April 9, Oct. 8...	2 1	Jan. 8, May 7, Oct. 8
Carroll.....	Carrollton.....	7	Jan. 30, Sept. 26.	9 1	Feb. 12, May 14, Nov. 1
Champaign.....	Urbana.....	2	April 30, Nov. 7.	2 2	Jan. 8, May 7, Oct. 8
Clark.....	Springfield.....	2	June 4, Dec. 3...	2 3	Jan. 8, May 7, Oct. 8
Clermont.....	Batavia.....	1	April 3, Oct. 1...	5 1	Feb. 6, May 15, Oct. 30
Clinton.....	Wilmington.....	1	April 30, Oct. 29.	2 3	Jan. 2, May 14, Oct. 1
Columbiana.....	New Lisbon.....	7	Jan. 16, Sept. 20.	9 1	Feb. 5, April 30, Oct. 1
Coshocton.....	Coshocton.....	5	May 8, Nov. 27...	6 3	Jan. 2, April 2, Sept. 10
Crawford.....	Bucyrus.....	3	Jan. 30, Sept. 27.	10 2	Jan. 8, April 3, Sept. 10
Cuyahoga.....	Cleveland.....	8	Jan. 8, Oct. 29...	4 3	Jan. 3, April 3, Sept. 14
Darke.....	Greenville.....	2	May 7, Nov. 12...	2 1	Jan. 8, May 7, Oct. 8
Defiance.....	Defiance.....	3	Feb. 27, Oct. 9...	3 2	Mar. 5, June 4, Nov. 19
Delaware.....	Delaware.....	5	June 5, Dec. 18...	6 1	Jan. 2, April 2, Sept. 14
Erie.....	Sandusky.....	6	May 23, Nov. 14.	4 1	Jan. 2, April 3, Sept. 1
Fairfield.....	Lancaster.....	5	Jan. 9, Sept. 11...	7 1	Jan. 22, April 16, Oct. 2
Fayette.....	Washington C. H.	2	May 21, Nov. 19.	5 2	Jan. 8, April 3, Sept. 21
Franklin.....	Columbus.....	2	Jan. 3, Sept. 17...	6 3	Jan. 8, April 9, Sept. 15
Fulton.....	Wauseon.....	6	June 11, Nov. 30	3 3	Feb. 5, May 7, Oct. 8
Gallia.....	Gallipolis.....	4	Feb. 27, Oct. 23.	7 3	Jan. 9, April 3, Sept. 15
Geauga.....	Chardon.....	7	Feb. 20, Oct. 2...	9 3	Jan. 8, Mar. 12, Oct. 22
Greene.....	Xenia.....	2	April 9, Oct. 11.	2 3	Jan. 8, May 7, Oct. 8
Guernsey.....	Cambridge.....	7	June 12, Dec. 6...	8 1	Jan. 30, April 24, Oct. 2
Hamilton.....	Cincinnati.....	1	Jan. 2, Nov. 7...	1 ..	Jan. 1, Apr. 2, July 2, Oct. 1
Hancock.....	Findlay.....	3	May 22, Dec. 11...	10 1	Jan. 2, April 3, Oct. 1
Hardin.....	Kenton.....	3	Mar. 13, Oct. 23...	10 1	Jan. 8, April 3, Sept. 16
Harrison.....	Cadiz.....	7	May 29, Nov. 27.	8 3	Jan. 2, April 3, Sept. 4
Henry.....	Napoleon.....	3	Feb. 20, Oct. 11.	3 3	Jan. 8, April 16, Sept. 4
Highland.....	Hillsborough.....	4	April 18, Nov. 27	5 2	Feb. 12, Apr. 16, Sept. 24
Hocking.....	Logan.....	4	Feb. 6, Oct. 8...	7 1	Jan. 8, April 9, Sept. 16
Holmes.....	Millersburg.....	5	May 1, Nov. 20...	6 3	Feb. 12, May 14, Oct. 15
Huron.....	Norwalk.....	6	May 14, Nov. 7...	4 1	Mar. 5, June 11, Nov. 11
Jackson.....	Jackson.....	4	May 31, Dec. 20...	7 2	Feb. 26, May 14, Nov. 12
Jefferson.....	Staubenville.....	7	May 22, Nov. 20	8 3	Jan. 30, May 1, Oct. 2
Knox.....	Mt. Vernon.....	5	Mar. 13, Oct. 16.	6 1	Feb. 5, May 14, Nov. 5
Lake.....	Painesville.....	7	Feb. 6, Oct. 4...	9 3	Feb. 12, Apr. 16, Nov. 26
Lawrence.....	Ironton.....	4	Mar. 6, Oct. 30...	7 2	Feb. 19, May 21, Nov. 12
Licking.....	Newark.....	5	Mar. 20, Oct. 23.	6 1	Jan. 2, April 2, Sept. 15
Logan.....	Bellefontaine.....	3	Feb. 6, Oct. 4...	10 3	Feb. 19, May 14, Oct. 15
Lorain.....	Elyria.....	8	April 23, Oct. 15	4 2	Feb. 12, May 7, Oct. 27
Lucas.....	Toledo.....	6	Jan. 2, S pt. 17...	4 1	Jan. 2, April 3, Sept. 24
Madison.....	London.....	2	April 3, Oct. 8...	5 3	Feb. 19, May 14, Oct. 15
Mahoning.....	Youngstown.....	7	Mar. 27, Oct. 16...	9 2	Jan. 8, May 7, Sept. 24
Marion.....	Marion.....	3	Jan. 23, Sept. 25.	10 2	Feb. 19, May 28, Oct. 22
Medina.....	Medina.....	8	May 7, Oct. 22...	4 2	Jan. 8, April 3, Sept. 15
Meigs.....	Pomeroy.....	4	Feb. 20, Oct. 16...	7 3	Jan. 9, April 3, Sept. 15
Mercer.....	Celina.....	3	April 24, Dec. 4...	3 1	Mar. 5, June 11, Nov. 19

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN  
OHIO IN 1894—Concluded.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Miami .....	Troy .....	2	April 16, Oct. 22.	2	2	Jan. 8, May 7, Oct. 1.
Monroe.....	Woodsfield .....	4	Mar. 29, Sept. 20	8	2	Jan. 9, Mar. 27, Sept. 11.
Montgomery..	Dayton.....	2	June 18, Dec. 10.	2	2	Jan. 8, May 7, Oct. 8.
Morgan.....	McConnellsville ..	5	April 17, Nov. 6.	8	1	Jan. 9, April 3, Sept. 11.
Morrow.....	Mt. Gilead.....	5	May 29, Dec. 11..	6	2	Jan. 29, April 30, Oct. 1.
Muskingum...	Zanesville .....	5	April 3, Oct. 30..	8	1	Jan. 8, April 9, Oct. 8.
Noble.....	Caldwell .....	7	June 5, Dec. 4...	8	1	Jan. 9, April 3, Sept. 11.
Ottawa.....	Port Clinton .....	6	June 25, Dec. 11.	4	1	Mar. 5, May 28, Nov. 12.
Paulding .....	Paulding .....	3	Mar. 6, Oct. 16...	3	2	Jan. 8, April 2, Sept. 17.
Perry.....	New Lexington...	5	May 22, Sept. 19.	7	1	Feb. 5, May 7, Nov. 12.
Pickaway .....	Circleville .....	4	April 24, Dec. 3..	5	3	Jan. 2, April 2, Sept. 5.
Pike.....	Waverly .....	4	May 23, Dec. 17..	7	2	Feb. 5, April 23, Oct. 8.
Portage.....	Ravenna .....	7	May 1, Oct. 30...	9	2	Jan. 8, May 7, Sept. 24.
Preble.....	Eaton .....	2	May 16, Nov. 26.	2	1	Feb. 12, May 28, Nov. 19.
Putnam.....	Ottawa .....	3	Mar. 20, Oct. 30..	3	3	Mar. 5, May 28, Nov. 12.
Richland.....	Mansfield.....	5	Jan. 23, Sept. 25.	6	2	Mar. 12, Sept. 10, Nov. 26.
Ross.....	Chillicothe .....	4	May 8, Dec. 10...	5	2	Jan. 8, April 3, Sept. 24.
Sandusky.....	Fremont.....	6	June 18, Dec. 3..	4	1	Jan. 2, April 24, Sept. 10.
Scioto.....	Portsmouth .....	4	Mar. 14, Nov. 7..	7	2	Jan. 8, April 9, Sept. 10.
Seneca.....	Tiffin .....	3	May 8, Nov. 20...	10	1	Feb. 5, May 14, Oct. 15.
Shelby.....	Sidney .....	2	April 26, Nov. 1.	3	1	Jan. 8, April 3, Oct. 1.
Stark.....	Canton .....	5	Feb. 27, Oct. 9...	9	1	Jan. 8, May 7, Sept. 24.
Summit.....	Akron .....	8	April 2, Oct. 1...	4	2	Jan. 8, April 30, Sept. 24.
Trumbull.....	Warren .....	7	May 8, Nov. 8...	9	2	Feb. 5, May 21, Oct. 15.
Tuscarawas...	New Philadelphia	5	May 15, Dec. 4...	8	3	Jan. 9, April 3, Sept. 11.
Union.....	Marysville .....	3	Feb. 13, Oct. 2...	10	3	Jan. 15, April 9, Sept. 10.
Van Wert.....	Van Wert.....	3	May 1, Oct. 18...	3	1	Feb. 5, May 7, Oct. 15.
Vinton.....	McArthur .....	4	Feb. 13, Oct. 11..	7	2	Jan. 8, April 3, Sept. 10.
Warren.....	Lebanon.....	1	April 23, Oct. 22	2	3	Jan. 15, May 14, Oct. 15.
Washington...	Marietta.....	4	Jan. 16, Sept. 24.	7	3	Feb. 6, May 1, Oct. 9.
Wayne.....	Wooster .....	5	Feb. 13, Oct. 2...	6	3	Feb. 26, Sept. 10, Nov. 19.
Williams.....	Bryan .....	6	June 13, Nov. 26	3	2	Feb. 5, April 30, Oct. 15.
Wood.....	Bowling Green...	6	April 23, Oct. 22	10	1	Feb. 12, May 21, Sept. 3.
Wyandot.....	Upper Sandusky..	3	Jan. 16, Sept. 19.	10	2	Feb. 19, May 28, Oct. 22.

**STATE OF OHIO,**

**OFFICE OF THE SECRETARY OF STATE.**

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1894, taken from the official lists returned by the Judges of said Courts to this office.

WITNESS my hand and official seal, this 18th day of June, A. D. 1894.

[SEAL.]

SAMUEL M. TAYLOR,  
*Secretary of State.*

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